Estimating the position of the European Union: a tool for macro-quantitative studies

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A Tool for Macro-Quantitative Studies

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Estimating *the* Position of the European Union:

A Tool for Macro-Quantitative Studies

Detlef Jahn and Nils Düpont

Abstract

This paper develops an index for estimating the position of the European Union in various policy fields and ideological dimensions. The index is designed for macro-comparative studies, which currently mainly use a dummy variable as a proxy for the impact of the EU on domestic politics, policies and outcomes. The index assesses the position of each European institution (European Council, Council of Ministers, Commission, and European Parliament) and takes the frequently changing decision-making rules between these institutions into account. Based on an actor-centered approach the index links policy preferences of actors with formal and informal decision-making rules. The index thereby appraises the impact of the EU on its member states in greater detail and is therefore suitable for analyses of most urgent research questions concerning the relationship between the EU and its member states. Furthermore, the index allows a calculation of the positional and ideological misfits between the EU and each individual member state on an annual basis. Questions about an ideological bias of the EU or problems of compliance can thus be analyzed with greater precision than before. To illustrate our index we use data on the left-right dimension, which has proven to be highly relevant in macro-quantitative studies. The data is available for quarterly and annual longitudinal analyses from 1966 to 2012.

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Contents

List of Tables and Figures

1. Introduction[1]

There seems to be no doubt that the European Union (EU)[2] is a major institutional actor whose impact on European domestic policies has increased substantially in recent decades. In some areas around 80 percent of all political decisions by member states have been initiated by the European Union (Börzel/Risse 2000; Hix 2005: 3). However, there is less agreement on which position the EU takes in relation to its member states (Selck/Kaeding 2004; Selck/Kuipers 2005; Schneider et al. 2010; Thomson et al. 2006; Thomson 2011; Golub 2012). Some conclude that the final outcome of aggregated individual decisions does not favor any state or government, thus legitimating the European integration process (Héritier 1999; Bailer 2004: 113; Arregui/Thomson 2009: 671). This position emerges from strong normative claims arguing that the EU is the (future) political entity with which all member states should feel comfortable. It can also refer to decision-making rules such as the right to veto and unanimous rule, which protect the interests of small or weak states, and thus promotes the EU position as a compromise between all member states. In sharp contrast, others claim that large states have more influence in the EU and are able to move the final outcome closer to their own position. This realist view (Moravcsik 1991, 1998) also emerges from strong normative and procedural reasoning, whereby countries with a large population and a strong economy have more weight in the decision-making process than small states. Decision-making rules which grant larger states more formal voting power, as well as de facto economic and administrative advantages, support this theory (Hix/Høyland 2011: 16; Thomson 2011: 188).

When leaving aside the normative implications and examining only formal decision-making rules, there is support for both standpoints. Because the decision-making process in the EU has evolved over time, it is often perceived to have contradictory effects. The EU decision-making process thus partly represents a consensus model while also favoring the interests of larger states. Thus, as we argue in this paper, the decision-making process does not follow one principle but instead is a blend of both. Its results are therefore highly unpredictable and also give considerable discretion to the bargaining skills of political actors.

However, to settle this issue will not be the main focus of this paper. Instead we offer a more sophisticated measure on how to estimate 'the position of the EU' on domestic politics, policy and outcomes. In most macro-quantitative studies the impact of the EU is operationalized as a dummy variable where '0' is no EU membership and '1' is EU membership. This is a very crude measure but one which has been incorporated into many studies analyzing policies such as active labor market policies (Armingeon 2007; Swank 2011), social expenditure (Kittel/Obinger 2003), environmental policies (Knill et al. 2010), privatization (Obinger et al. 2014), or taxation (Hays 2003). Using a dummy variable to estimate the impact of the EU on domestic policies and outcomes is inappropriate for the following reasons: Firstly, a dummy variable is simply a proxy

1 Detlef Jahn would like to thank Tanja Börzel and Thomas Risse for the invitation to act as a Permanent Research Fellow at the KFG from 2012-2017. We received helpful comments at the weekly seminar series on a first draft of this paper. We particularly benefited from the comments of Lisbeth Hooghe, Gary Marks, Heike Klüver and two anonymous reviewers. Christian Jensen (UNLV) also commented on a previous version of this paper. We are grateful for his insightful remarks, which make us aware of the limits of our approach. We also would like to thank our colleagues at Greifswald University for discussing the conceptualization of the decision-making models. The data and do-files for creating the indices discussed in this paper can be downloaded from: http://comparativepolitics.uni-greifswald.de.

2 We use EU throughout the text, even when referring to the time when it was called European Community.

for a more complex variable. For some variables, such as gender, a dummy may be appropriate. However, for most other variables with finer degrees/gradients of variation the loss of information is substantial and the validity of the operationalization to capture the theoretical concept decreases. Using a dummy for EU membership also bears the risk of measuring an entirely different factor, which simply happens to coincide with EU membership. Secondly, it does not take account of any dynamic processes as the impact of the EU is perceived as invariant over time (with the exception of the change from being a non-member to a member state). Thirdly, a dummy attributes the same effect of the EU on all national governments and policies. This assumption may not be very realistic as the position of the EU changes over time and the impact of the EU on a member state is dependent on the positions of the individual governments of the member states. This difference, which we call the ideological misfit between the EU and its member states, can be estimated with the help of the index developed in this paper (Jahn/Düpont 2015). The index presented here thus allows for the analysis of the transformative power of the EU on its member states and beyond.

In order to calculate the position of the EU we trace the decision-making process within and between EU institutions from 1966 to 2012. The starting year 1966 has been chosen for the Luxembourg Compromise, which was introduced in that year and presented "the first major informal norm in EU decision-making procedures" (Heisenberg 2005: 68), shaping decision-making in the EU for years to come. The last year with available data is 2012. We apply a left-right measure (Jahn 2011) based on data from the Manifesto Research on Political Representation (MARPOR; Volkens et al. 2013); henceforth any issue dimension derived from MARPOR or other cross-national sources which locate parties (like expert judgements or surveys) can be applied to our modeling.[3] Commonly, the political space of the European Union is perceived to encompass a pro-integrationist vs. an anti-integrationist and a left-right dimension (for an overview of different views see Marks/Steenbergen 2002). For illustrative purposes however, we limit ourselves to the left-right dimension; it is the dominant policy dimension in Western democracies and explains policies and policy outcomes in most policy areas on domestic policies (McDonald/Budge 2005).

In this paper, we primarily describe the construction of our index and present only a few examples on how to analytically apply it. Consequently, our aim is to offer a tool for further empirical analysis in the field. The paper is structured in the following way: Firstly, we briefly discuss established approaches of identifying 'the EU position'. After examining the benefits and shortcomings of these approaches, we outline an alternative actor-centered approach and present and discuss the premises and assumptions of our model. The third part of the paper describes how policy positions are attributed to European actors. As the main part of this paper it offers models through which to analyze the positions of the European Council, the European Commission, the Council of Ministers and the European Parliament (EP). Subsequently, we take the intra-institutional decision-making into account in order to identify the final position of the EU in the left-right dimension from 1966 to 2012. Besides offering analytical models through which to grasp the decision-making process in the EU, we report on empirical positions. Finally, the conclusion summarizes the results.[4]

3 However, it is important that there are data available for most of the relevant parties in all EU member states. If there are a certain amount of missing data the index is biased.

4 The data presented here are available for download at: http://comparativepolitics.uni-greifswald.de.

2. Approaches for Estimating an EU Position

The following part discusses current approaches for estimating EU positions. Based on their shortcomings we then outline the basic premises of our approach. The literature approaches the question of how to estimate the position of the EU in a variety of ways (Bueno de Mesquita 1994; König 2007, 2008; Moser 2002; Steunenberg et al. 1999; Tsebelis/Garrett 2000, 2001; van den Bos 1991).[5] In recent years, two approaches have been particularly successful. Most popular is the use of the *European Union Decides* (DEU) data set which contains data on 331 policy issues from 1996 to 2008 (Thomson et al. 2012). Authors who use this data set compare the power of a handful of member states (Selck/Kaeding 2004; Selck/Kuipers 2005) or analyze the period from 1999-2001 (Golub 2012). The data set is based on expert judgments on the policy positions of various political actors. Likewise, some EU institutions are analyzed individually at a certain point in time, like the EP (McElroy/Benoit 2007, 2010)[6], the Commission (Thomson 2008a) or the European Council (Tallberg/Johansson 2008).

Other authors make use of party manifesto data and thus have a longer time period available to them (König 2007; Warntjen et al. 2008; Veen 2011). However, these studies often estimate the position of the European institutions without taking decision-making rules into account. Warntjen et al. (2008) use the mean position of the Commission, the Council of Ministers, and the EP based on the parties in government in the respective EU member states. Using the mean builds on the argument of Achen (2006a) who shows that the weighted mean is an effective measure when combining formal and informal decision-making processes. However, Achen also stresses the fact that if more information is available, more precise measures can be obtained.

Achen (2006a) and Schneider et al. (2010) compare the explanatory power of several models and conclude that it is not always the case that the most sophisticated formal model arrives at the best results. In fact, looking at formal processes only is certainly inferior to combining formal and informal aspects. In this paper we therefore build on the formal decision-making process but also integrate informal aspects. The indices in this paper cover data from 1966 to 2012 and are therefore superior to the data of the DEU project, which cover a much shorter period. In contrast to the projects based on the party manifesto data, which do not consider the legislative process of the EU, the indices developed here do take these into account.

This paper then builds on two premises: The first premise is that institutional settings *and* preferences matter. This is the basic assumption of analytical politics or the *fundamental equation of politics*,

5 In a book edited by Thomson et al. (2006) several models have been introduced. Achen (2006a) evaluates these models by analyzing their power of explanation. Models which do not focus exclusively on formal decision-making structures but also include informal negotiations seem to perform better. This conclusion, however, is disputed (Slapin 2014; Leinaweaver/Thomson 2014).

6 Furthermore – but limited to the EP – issue dimensions have been analyzed based on roll-call votes (see for example Attina 1990; Hix 2001; Hix et al. 2005). But even Warntjen and colleagues, who have conducted such roll call analysis, have concluded that this method is not appropriate to compare the position of European institutions, because there are no data, for instance, for the European Commission (Warntjen et al. 2008: 1245). There exists also an analysis of party manifestos released for the European elections (Schmitt/Wüst 2012), which Veen (2011) uses for his models. However, as discussed in the text below, it is doubtful whether MPs of the European Parliament follow the European policy logic or a national one.

which has been summarized by Plott (1991; see also Hinich/Munger 1997: 17; Shepsle 1989: 137) as: Preferences * Institutions → Political Outcome. As has been noted, these two elements are essential for empirical research because "[…] agenda setting power depends not only on the institutional features of a political system […] but also on the ideological positions […] of different actors" (Tsebelis/Rasch 2011: 2). As a consequence, our models are ideology-driven and we refrain from purely formal bargaining models that are based solely on voting strength. The second premise is that each EU institution, which takes part in the legislative process, first comes to a decision on which position to take on a particular issue. In a second step, inter-institutional decision-making in accordance with various rules and procedures leads to the final EU position.

In order to estimate the position of the EU in the left-right dimension on a yearly[7] basis from 1966 to 2012, we use an actor-centered approach. An actor-centered approach traces its starting point from the individual actor (Prime Ministers and Presidents, Commissioners, Ministers, and Members of European Parliament). These actors must reach collective decisions, which are determined by formal decision-making rules and informal bargaining and negotiation processes. While formal rules may be relatively easily identified, they have changed frequently over the course of EU history. Their empirical analysis is thus a little complex, though this does not cause major problems. The identification of informal processes is more difficult, though. We therefore use the results of other empirical studies, which estimate the effect of informal processes. Such information must take general aspects into account and cannot only be based on the results of very specific case studies. We thus rely on expert judgments about the relative informal power of various European institutions (Thomson/Hosli 2006). Because including informal aspects may be partly speculative, we conduct detailed robustness checks and show the differences between our model and alternative specifications in the appendix.

Formal models as well as bargaining models usually only include the three EU institutions which take part in the legislative process of the EU. This is certainly the case with those models that examine the formal legislative process. The European Council, comprising the Head of States, is ignored by these studies because it is not part of this legislative process. Yet, the European Council is an important actor in EU politics as it "[…] sets the guidelines and objectives for the Commission and monitors how the Commission implements these guidelines" (Hix/Høyland 2011: 32). Furthermore, "[…] the European Council provides guidance for the work of the meetings of the Council (of ministers) […]" (Hix/Høyland 2011: 32). The impact of the European Council is on "[…] political rather than legal decisions […]" (Hayes-Renshaw/Wallace 1997) which may justify disregarding the European Council in formal decision models. However, for the estimation of programmatic positions in the Commission and the Council of Ministers, the impact of the European Council cannot be ignored. Therefore, we treat the European Council as principal and the Commission and the Council of Ministers as agents.

Before beginning the analysis of the institutions of the EU, we will clarify how to estimate positions within the EU institutions. What are the preferences of the members of the European Council, the Commission, the Council of Ministers and the European Parliament (EP) in relevant policy dimensions? First of all, it must be

7 The estimates are actually based on quarterly data but can be easily aggregated on a yearly basis in order to match common quantitative time-series–cross-sectional data.

noted that there are no direct measures of the ideological positions of European actors and institutions. One way to approach these positions is by using data from national parties. Warntjen et al. (2008: 1247) conclude that "[…] the assumption can be made that the actors of the EU institutions have broadly similar policy preferences to the political parties to which they belong."[8] For illustrative purposes we estimate the positions of the European actors in the left-right dimension. We identify the scores for the dimension by using MARPOR data applying a country- and time-sensitive left-right index developed by Jahn (2011). Our analysis can be applied to any issue dimension derived from MARPOR data or other party positions, such as expert judgements, and should thus not be a big issue of dispute concerning our analysis here. We decided to illustrate our index in terms of a left-right dimension because this factor is most relevant for explaining the policies and outcomes in most macro-comparative studies. However, there is no fundamental obstruction to using other positions, such as for instance the degree of European integration, which is most common in the EU-literature.

Using national party positions makes the most sense in the context of the European Council and the Council of Ministers, both of which are composed of national political actors: the prime ministers and the cabinet ministers of national governments. Meanwhile, there is also evidence that the members of the European Parliament (MEPs) – trapped between two principles – abide more to the rules of their national parties than the logic of their respective European party groups (Hix 2002, 2004). Within these party groups, national delegations are powerful and dominate key leadership positions. "Also, because national parties control the selection of candidates in the elections, when MEPs are torn between their national party and their European political group, they almost always vote with their national party" (Hix/Høyland 2011: 57). In the case of the EP Euromanifestos issued in the run-up to EP elections provide an alternative measure of party positions to national MARPOR data (Schmitt/Wüst 2012). Yet, we abstained from using Euromanifesto data for the EP for three reasons: First of all, elections to the EP are usually considered "second-order national elections" (Reif/Schmitt 1980) fought on national grounds (see Hix et al. 2003 for a more recent reinforcement). Furthermore, it is questionable if voters pay much attention at all, as evidence suggests that EP elections are, not exclusively, but primarily used to "punish" governments for national reasons (Schmitt 2005; Hix/Marsh 2007; Hobolt et al. 2009), whereby voting behavior is strongly shaped by party identification and a "rational ignorance" of EU politics (Schmitt 2005). The second reason is more technical: The Euromanifestos' coding scheme is similar but not identical to the national MARPOR data. This would alter the comparability of the position of the EP (based on Euromanifestos) vis-à-vis the European Council or Council of Ministers (based on national MARPOR data). And finally, for a small number of parties (especially in the early years) we do have MARPOR data but Euromanifestos are missing or were not issued.

More problematic than the use of national data for the EP is the use of national party positions for the Commission. According to Article 213 of the EU Treaty, commissioners are non-partisan actors. In practice, however, commissioners lean towards the position of their national party or government (Thomson 2008a). There are several reasons for this, such as the fact that the member states' governments are responsible for the nominations of "their" commissioners. Commissioners are most often affiliated with the national party of the government, which promoted his or her appointment. More than 70 percent of the Commissioners

8 Warntjen et al. (2008) conduct a rather similar analysis as the one in this study in order to identify the positions of the Commission, the Council of Ministers and the EP. However, they limit their analysis to a description of the policy position of these three institutions. They do not analyze the legislative process between these institutions which would be needed, for example, to estimate the position of the EU in relation to its member states.

between 1967 and 2009 held a government office before becoming a Commissioner (Hix 2005: 46). This figure has increased steadily over the years, reaching more than 90 percent in the 1990s (Franchino 2007: 136-137; MacMullen 1997; Wonka 2007). Hooghe (2001) also shows that Commissioners' preferences are mainly shaped by their political party, country and prior work rather than being a result of socialization in the Commission. Furthermore, after their term as Commissioner, the national party usually provides a new position for the outgoing Commissioners. In other words, Commissioners are dependent upon, and thus likely in (ideological) alignment with their respective national parties. Therefore, we may confidently use the ideological position of the national parties when estimating the position of the Commissioners.

3. Policy Positions of EU Institutions

The European Union has a complex decision-making process that involves various institutions. The day-to-day political process is determined by the intra- and inter-decision-making processes of the European Commission, the Council of Ministers and the European Parliament. How exactly the European political process works is highly debated and contested in political science (Bueno de Mesquita/Stokman 1994; Kasack 2004; Hörl et al. 2005; Selck/Steunenberg 2004; Thomson/Hosli 2006; Thomson et al. 2006; Thomson 2008b). Among the reasons for this disagreement lies the fact that decision-making rules have often been modified and different rules apply for different policy areas. There are also disagreements regarding how to interpret the impact of all the formal and informal rules of the policy process in the EU. In this paper, we offer a simplified and parsimonious model of EU politics for macro-comparative analyses. We start out from formal models of negotiation and decision-making. However, as mentioned above, we consider the European Council (heads of governments) as the principal for the Commission and the Council of Ministers. We therefore begin our analysis with the European Council.

3.1 The European Council

The European Council is composed of the heads of government of the member states and the president of the European Commission, and it meets two to four times per year. The prime ministers of each member country and the presidents of France and Cyprus are the members of the European Council. The decision-making rule is unanimity and every member is able to veto a decision. This decision procedure is supposed to produce "lowest common denominator" results. In practice however, the European Council has often been an initiator for policy change and has promoted the process of European integration. Therefore, the European Council has been able to set innovative policy goals which have reached clearly beyond the level of the 'lowest common denominator'.

The presidency of the European Council changes every six months and the country with the presidency has a considerable influence on setting the agenda for the meetings. Since 1 January, 2010 the President of the European Union has been responsible for agenda setting, together with the respective national government. From this date, member states have been chairing the following three meetings together

with the President of the European Union, in order to reinforce continuity. However, there is very little research on who influences the decisions of the European Council, as most studies remain either descriptive or give insightful and up-to-date overviews of the European Council (Bulmer/Wessels 1987; Johnston 1994; Westlake et al. 2004; Hayes-Renshaw/Wallace 1997). In a more analytical study, Tallberg (2008) has addressed the question of bargaining power in the European Council. In this qualitative study based on expert interviews with former prime ministers and heads of state, as well as high ranking European officials, he concludes that member states have various degrees of bargaining power and that the threat of a veto is not equally effective for all member states. This finding suggests that there is not a trend towards the 'lowest common denominator' but that bargaining depends on the power resources of individual states.

Member states differ most fundamentally in terms of their structural power, that is, the size of a country (population) and its economic power, in all but one case. Tallberg (2008: 690) concludes that only Italy has been unable to translate its relative power in population and economic strength into European influence because of its domestic political instability. While structural power may depend on a number of features such as territory, population, economic strength, military capability, technological development, political stability, administrative capacity and geography, its two most important indicators are the number of inhabitants of a state and its economic productivity. We therefore use population ($StrucPow_1$) and the economic performance ($StrucPow_2$) as indicators for structural power.

$$StrucPow_1 = \sum_{i=1}^{n}(PM_i * Share\ in\ EU\ Population_i) \quad (1)$$

$$StrucPow_2 = \sum_{i=1}^{n}(PM_i * Share\ in\ EU\ GDP_i) \quad (2)$$

Explanations: StrucPow means Structural Power. The share in population and GDP per capita is estimated as the share in the total EU member's population and GDP for each year. PM_i stands for the policy position of the prime minister in country *i*.

Tallberg (2008) concludes that institutional and individual dimensions of power are of secondary importance. Institutional power is composed of decision-making rules. Two aspects seem to be particularly relevant in the context of bargaining power: the veto and the presidency. Each member of the European Council can veto a decision, which means that the veto forces decisions to be taken unanimously. Studies of international bargaining assume that veto provisions strengthen the position of actors with less structural power and actors which prefer the status quo (Habeeb 1988; Hampson 1995: 32; Scharpf 1997). However, the veto in the European Council is not as sharp a weapon as is assumed. Its use is tightly connected to the structural power of the member states. As one prime minister has stated: "Luxemburg can issue a veto once in a decade and Britain once a week" (cited in Tallberg 2008: 691). The veto has further implications which undermine its formal strength. The foreknowledge of potential veto affects the members of the European Council and its use may irritate peers thus affecting other issues of negotiation. Furthermore, a veto never puts an end to a political process but rather forces it to be settled in another way. The use of a veto is a sign of negotiation failure as well as strategic weakness rather than strength. Put simply, the veto is less decisive in the European Council as is often assumed in formal modeling.

Instead of the veto, the power, which comes with chairing the European presidency, seems to be more effective. Good preparation of a meeting may temporarily increase the power of the chairing country. As Tallberg (2008: 697) points out: "It is notable that representatives of small and medium-sized states tend to rank access to the Presidency as the most important source of power […]". The power of the presidency is derived from actual meetings in which the presidency has the right to set the agenda and by doing so decides what will be debated in which order, thus arranging what is emphasized and what is neglected. Power of the chair may actually be greatest in the preparatory phase during which the chairing country has the opportunity to build coalitions on the issues and positions that are important to it:

> *The Presidency either travels to or receives all other heads of government in the weeks preceding the summit. The format of the bilateral encounter enables heads of government to share information about their bottom lines with the Presidency, thus improving the chances of summit agreements on contentious issues (Tallberg 2008: 698).*

We operationalize institutional power in the European Council as originating from the position of the Presidency on programmatic dimensions. The President of the European Council negotiates with each prime minister or head of state. For each negotiation, the unweighted mean between the President of the European Council and the prime ministers is summed up to a position. This position reflects the institutional power of the Presidency (InstPow).

$$InstPow = \sum_{i=1}^{n} \left(\frac{President + PM_i}{2} \right) / n \qquad (3)$$

Explanations: InstPow designates Institutional Power; PM_i is the policy position of the prime minister of country *i*; the number varies according to the number of member states.

Finally, Tallberg identifies individual power in the European Council. The most important aspect here is seniority and prior performance. The longer a prime minster has been a member of the European Council, the better s/he knows the institutional rules, the preferences of peers and the issues at stake. This forms an important power resource. As one head of government in Tallberg's study (2008: 700) puts it: "Juncker probably weighs more than countries with 12 to 14 million inhabitants".[9] Expertise is also an important resource. Expertise concerns the content, the process and knowledge of preferences of the other members in the European Council. Most of these concepts are difficult to measure for quantitative analysis with the exception of seniority. Seniority may also be highly correlated with expertise and earlier performance even if some personalities could reinforce or reduce this association. The indicator for individual power (IndPow) is the number of quarters of a year served as prime minister before the meeting of the European Council.[10]

$$IndPow = Seniority\ of\ head\ of\ government \qquad (4)$$

9 Before his election as President of the Commission Jean-Claude Juncker was prime minister of Luxembourg which has around half a million inhabitants.

10 Because the data is organized in annual quarters, we apply the same fine-grained time unit.

Even if the calculation of the position of the European Council is not free from ambiguity, it may come close to reality considering the information that is available.[11] Formally, the position of the European Council (ECouPO) is defined as follows:

$$ECouPo = (StrucPow_1 + StrucPow_2 + InstPow + IndPow)/4 \quad (5)$$

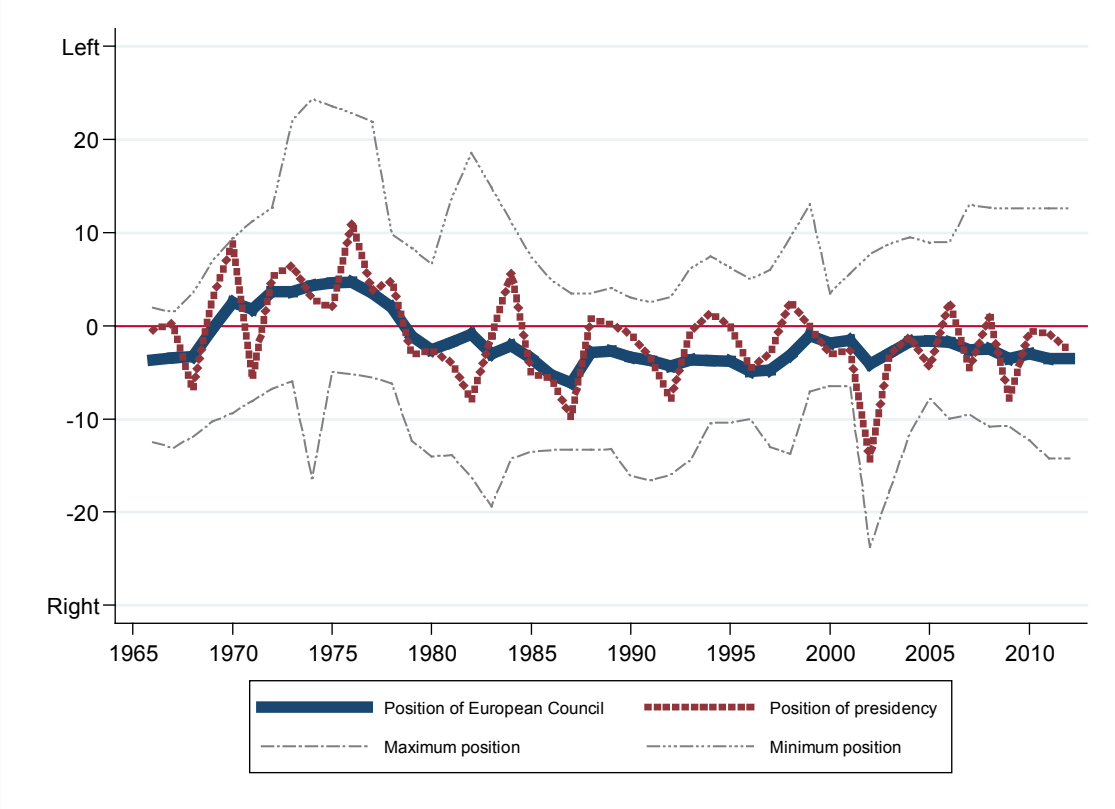
The European Council has no formal power in the legislative process of the EU. Only in December 2009 did the European Council become a formal European institution. However, because the European Council defines the general political direction and priorities of the European Union, as well as providing the Union with the necessary impetus for its development (European Union 2015), there is a typical principal-agent relationship between the European Council as a principal on the one hand, and the Commission and the Council of Ministers as agents on the other (Hix/Høyland 2011: 23-34).[12] As is typical in principal-agent analysis, it is notoriously difficult to specify the discretion of the agent and the power of control and sanctions of the principal. As Achen (2006b) points out in the context of bargaining situation when there is no further reliable information, the best guess for constructing a decision-making model is to use the mean position between two or more actors weighted by their power. We therefore simply take the unweighted mean position for the Commission and the Council of Ministers, on the one hand, with the position of the European Council, on the other. For that, however, we need to define the institutional decision-making rules of the Commission and the Council of Ministers. But before coming back to this point we present empirical data for the positions in the Council.

11 One may criticize that our models do not consider bargaining strategies like informal vote trading ('log rolling'), inter-temporal vote swapping, first-mover advantages or (dis-) advantages stemming from national constraints ('Schelling conjecture'). Although we do draw on game theoretical models, we still employ a macro-comparative perspective whose aim is not to make predictions for specific bargaining situations on a micro-level. To our knowledge no comparable, longitudinal data is available for any of the institutions with respect to these strategies. As Achen (2006b) stresses, in the absence of detailed information, using the weighted mean incorporates aspects of bargaining strategies. In this sense our models do include strategies as we consider institutional and individual dimensions of power together with legal formalities. In principle, the impact of national constraints could be included in our model in the future by integrating our time-variant veto player index (Jahn 2010). This would require an elaborated analysis, as Tarar (2001) reminds us that the "Schelling conjecture" does not hold in every circumstance but heavily depends on the configuration of constraints (and mutual knowledge thereof) on both sides of the bargaining partnership. Such an analysis is beyond the scope of this paper, and we leave the issue for future research.

12 Other authors model the principal-agent relationships in the EU differently. Hix and Høyland (2011: 25-27) start out from national governments as principals and the Commission as agent. Franchino (2007) considers the Commission and national bureaucracies as agents and EU legislators as principals. All these models have proven their use in specific situations. However, taking the preferences of national governments as principals is far removed from the political process of the EU. It would imply that there are 27 principals with their individual (collective) preferences. Taking governments' positions a step further means that governments aggregate their priority preference and articulate it within the European Council. This preference or position is then one of the principals. It is needless to say that in this case the principal as a collective actor is not coherent, and neither are national governments. Therefore, it is more appropriate to consider the negotiated position of the governments in the European Council as the preference of the principal. While conceptualizing the Council of Ministers as the agent might seem odd, since the ministers are part of the national government, two considerations may lend support to the view that the Council of Ministers is in fact an agent: Firstly, ministers may not represent the position of their government. In particular, the minister model (Laver/Shepsle 1996) attributes ministers power over their jurisdiction in a coalition government, thus the position of a minister may deviate from 'the government position'. Secondly, since we do not take the position of national governments to be the position of the principal but the negotiated position of the prime ministers, the European Council's position may deviate considerably from the position of the ministers in the Council.

In order to get an insight into the positions held within the European Council, we report the positions of the prime minister or president who holds the presidency, the final position of the European Council according to the bargaining rules spelled out above and the two extreme positions (Figure 1).[13]

Figure 1: Positions of the European Council in the Left-Right Dimension, 1966-2012



Source: Authors.

In the 45 years covered by our data, we see a trend towards left positions in the first half of the 1970s. This move to the Left occurred under the presidencies of Edmund Leburton in 1973, who was Belgian Prime Minister and member of the Socialist Party, as well as Willy Brandt (Social Democratic Party of Germany) in 1974. In the second half of 1976, Joop den Uyl from the Dutch Labor Party (PvdA) represented the most left-leaning presidency to date. This move was counterbalanced by a clear trend towards right-wing positions in the late 1970s. In the second half of the 1980s, the presidency of the United Kingdom, but also Belgium and Denmark, led to the European Council's far right position. In the second half of 1986, under the presidency of Margret Thatcher the European Council took the most right-wing position in its history. However, Mrs. Thatcher was superseded in 2002 by Anders Fogh Rasmussen, Danish prime minister and leader of the conservative-liberal party Venstre (V). After the right-wing turn of the mid-1980s, a slight counter-move to the left took place under the presidencies of Greece, Spain and France – all of which had

13 Appendix A gives a more thorough account of our modelling by reporting alternative modellings and descriptive statistics for the structural and individual power indicators.

Social Democratic prime ministers at the time. Yet, right-wing positions clearly dominated in the 1990s and a move to the Left was only noticeable towards the end of the decade under Austrian Prime Minister Viktor Klima (SPÖ) and German chancellor Gerhard Schröder (SPD). In the new millennium, right-wing positions remained dominant, even if there were substantial shifts depending on which country held the presidency. In summation, there has been a clear trend towards increased domination by the Right.

3.2 The Commission

The European Commission is the formal agenda-setter in European politics, due to its monopoly on initiating legislation and its right to raise charges against member states before the European Court of Justice. The Commission is organized much like a domestic government with a core executive branch, in this case the College of Commissioners. The President of the Commission is the first among equals. However, s/he sets the overall policy agenda of the Commission by preparing the annual work program, establishing the agenda and chairing the meetings of the College, and s/he is furthermore in charge of the Secretariat General, which oversees the work of the Directorates General. When votes are taken, decisions require an absolute majority, with the Commission's President casting the deciding vote in the event of a tie.

The position of the Commission operates along the lines of coalition cabinets in national governments. "The Commission has always been a grand coalition of socialists, Christian democrats, liberals and conservatives (MacMullen 1997). However, its political agenda changes as the political color of the president and the partisan make-up of the College changes" (Hix 2005: 44). In order to estimate the position of the Commission, we use a model that takes the agenda-setting power of the President and the ideological position of the Commissioner holding the economic portfolio into account.[14] The model starts out from the negotiated position of the President of the Commission (PresCom) and the Commissioner with the economic portfolio (ComPortfolio). Both positions have not been weighted nor has the personality of specific commissioners been taken into account. While the President is able to set the agenda, the Commissioners have expertise over their portfolio (Ross 1995: 162, 197; Sbragia 1996: 244-246) and it is therefore theoretically impossible to determine who has more power.

The negotiated position between the President and the Commissioners with the specific portfolios (the mean between these positions) is taken as a starting point to find a minimal winning coalition within the Commission. This means that the unweighted position of the Commissioner coming closest to the compromise of the President and specific Commissioner is taken into account ($Com_{closest1}$), then the second closest ($Com_{closest2}$) and so on, until an absolute majority is achieved. The average of the positions of the Commissioners needed to form a majority is taken as the position of the Commission.

14 We use the economic portfolio and later on the Council of Economic Ministers because economic decisions are often most likely to be affected by the left-right dimension. For more specific analyses other portfolios and Councils of Ministers may be more relevant. See Jahn (2016) for analyses of environmental policies based on the environmental portfolio and Council of Environmental Ministers. In said study Jahn also includes the environmental policy dimension in addition to the left-right placement.

$$ComPo = until\ abs.majority: \frac{\left(\frac{PresCom + Com_{portfolio}}{2}\right) + (Com_{closest_1} + Com_{closest_2} + \ldots + Com_n)}{n+2} \quad (6)$$

Explanations: ComPo = position of the Commission; PresCom = policy position of the President of the Commission; $Com_{portfolio}$ = policy position of the Commissioner with the respective portfolio.

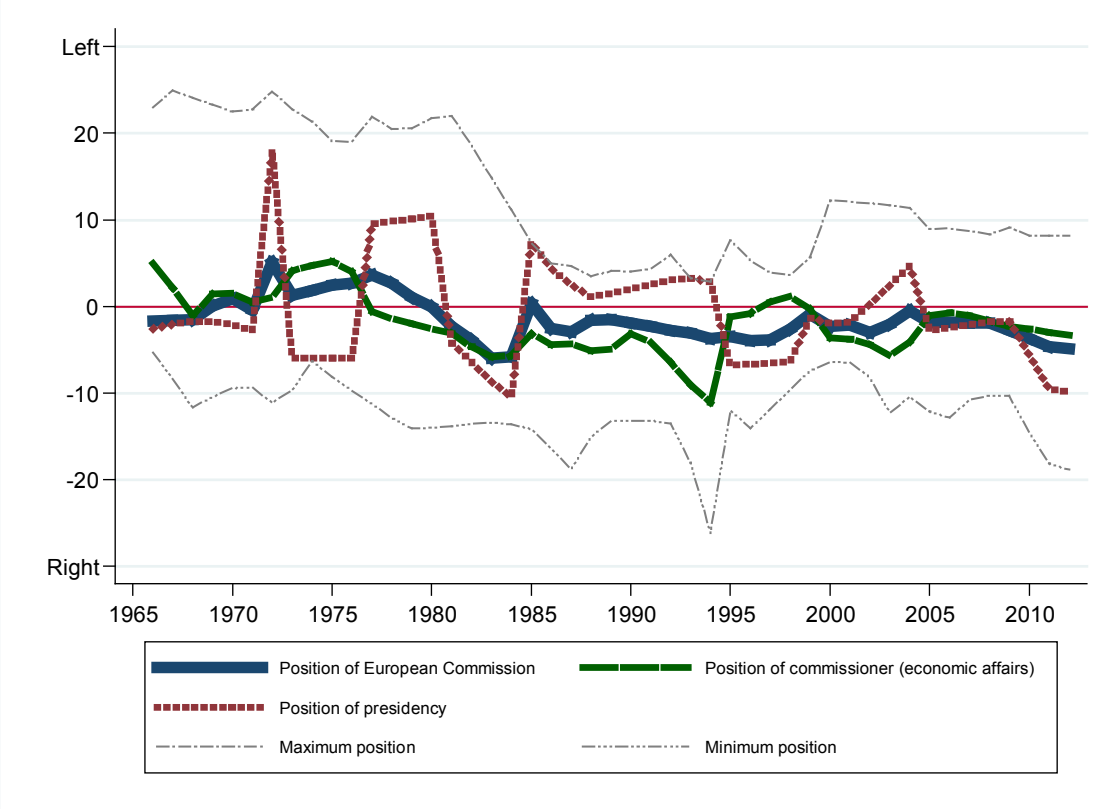
Because the Commission is the agent of the European Council the final position of the Commission is the mean:

$$ComPo = (ComPo + ECouPo)/2 \quad (7)$$

Figure 2 shows the position of the Commission in the left-right policy dimension.[15] While the Commission has been rather moderate, it has usually leaned to the right. Under the presidency of German Walter Hallstein (CDU), the Commission began as quite moderate before shifting to the moderate Left in the late 1960s under Belgian Liberal Jean Rey and Italian Christian Democrat Franco Malfatti. Sicco Leendert Mansholt from the Dutch PvDA (1972) and Roy Jenkins from the British Labour Party (1977-1981) marked strong leftist presidencies. They were interrupted by French Gaullist François-Xavier Ortoli (1973-1976), later responsible for economic affairs (1977-1981) where he stood in opposition to Jenkins. However, neither Jenkins' nor Mansholt's presidency was able to counteract the shift to the right that had begun in the late 1970s.

15 As with the European Council, we estimated several alternative positions to the final one presented here. These models are discussed in Appendix B.

Figure 2: Positions of the Commission in the Left-Right Dimension, 1966-2012



Source: Authors.

The allocation of economic responsibilities was often shared among several commissioners. Most often they were concerned with issues of the internal market, competition or industrial affairs among others. The position of 'the' commissioner(s) therefore often reflects the unweighted mean of these commissioners. 1977-1981 witnessed the Belgian Ètienne Davignon (non-aligned), French François-Xavier Ortoli (Gaullists) and Luxembourgian Raymond Vaul (LSAP) in opposition to the Left-leaning president Roy Jenkins (Labour). With the presidency of Gaston Thorn, the shift to the Right continued and was slightly reversed under the presidency of previous Minister of Finance, the French Socialist Jacques Delors. Together with the German Alois Pfeiffer (SPD), both had to deal with more conservative Irishman Peter Sutherland (FG), the Spanish Abel Matutes (PP) and the British Francis Arthur Cockfield (Conservatives) (1985-1989). Changes in the cabinet did not fundamentally alter the situation as Delors was later confronted with the Danish Henning Cristophersen (V) and the German Martin Bangemann (FDP), both with a liberal background (1989-1993). While the commission became less Right leaning in the 2000s under Romano Prodi and José Manuel Barroso, it still advocated more Right-wing than Left-wing positions. Not surprisingly, commissioners dealing with economic affairs most often came from liberal or conservative parties, while social democratic parties remained underrepresented in this area.

3.3 The Council of Ministers

The Council of Ministers is composed of ministers from the governments of the member states and possesses both executive and legislative powers. The Council is the body which represents the member states in the political system of the EU. Since 1970, the presidency of the Council rotates every six months among the member states in a prearranged system. Officially, the presidency is expected to be impartial. Accordingly, most of the literature emphasizes the presidency's role as neutral broker and negotiation facilitator. Although it is acknowledged that member states holding the presidency pursue their domestic agendas, many argue this does not have a decisive effect (Bassompierre 1988; Sherrington 2000; Westlake 1995; Hayes-Renshaw/Wallace 1997; Alexandrova/Timmermans 2013). However, there are also different views. Some claim that the presidency gives the government in charge extra influence

> *[…] the government that holds the presidency has considerable control of the legislative agenda inside the Council. Each government takes over the presidency with a central part of the presidency's work program and will be on the agenda of all the key Council meetings. However, the presidency can only act on these issues if legislation is proposed by the Commission. Conversely, if the presidency does not like a Commission proposal, it can simply refuse to put it on the Council agenda. (Hix 2005: 80-81)*

This assumption is also backed by empirical studies which show that holding the presidency does significantly and positively contribute to the bargaining power of the given member state (Tallberg 2006; Sherrington 2000; Tallberg 2010). "Independent of country size and economic power – on which formal voting power is based – presidencies in the voting stage have additional leverage in EU decision-making compared with other member states" (Schalk et al. 2007: 245). Warntjen (2008: 334) estimates that the "[…] increase in the probability of an outcome closer than expected owing to holding the presidency is similar to that resulting from having the support of the Commission." Like with the European Council, all this evidence leads us to develop a model whereby we can take into account the impact of the presidency for the Council of Ministers.

The Council is generally meant to decide by consensus and any government can block an initiative that is against its interest. There are two basic voting rules in the Council:

Unanimity, where each member state has one vote and legislation cannot be passed if one or more member states veto it. As a result of the "Luxembourg compromise" this was the (informal) rule in the Council until the Single European Act (SEA) came into force (Teasdale 1993).

Qualified-majority voting (QMV), where votes are weighted according to the size of a member state's population, and an over-sized majority is required for legislation to be passed. This applies to an increasing number of areas.

The voting under unanimity rule is operationalized as the midpoint between the two most extreme positions, because these ministers must reach a compromise. Any deviation from this compromise would lead the more disadvantaged minister to block the decision. Within this range all other minister's ideal points are closer to the midpoint, hence they are absorbed. Formally, the position is:

$$CouPo_{Unanimity} = Cm_{Min} + \frac{Cm_{Max} - Cm_{Min}}{2} \quad (8)$$

Explanations: $CouPo_{Unanimity}$ = Position of the Council of Ministers under unanimity; Cm_{Min} = policy position of the leftmost portfolio minister of EU member states; Cm_{Max} = policy position of the right-most portfolio minister of EU member states

The commencement of the Single European Act on 1 July 1987 saw a rise of voting under QMV rule. Subsequently, we model the decision-making of the Council of Economic and Financial Affairs under QMV. We start from the position of the Council member who holds the presidency. This member of the Council looks for the closest member of the Council, second closest etc. to his or her own position until a qualified majority has been reached. The final position of the Council is the mean of those Council members which are needed to obtain the qualified majority.

$$CouPo_{QMV} = until\ qual.majority: \frac{CouPres + (Cm_{closest_1} + Cm_{closest_2} + \ldots + Cm_n)}{n+1} \quad (9)$$

Explanations: $CouPo_{QMV}$ = Position of the Council of Ministers under QMV; CouPres = policy position of the Presidency of Council of Ministers; Cm = policy position of the portfolio minister of EU member states.

This model holds until 2010. In order to improve consistency, the Lisbon Treaty established the cooperation of three successive presidencies, known as *presidency trios*. This weakens the impact of the current presidency to some extent although it still remains the agenda setter. To reflect this change, the position of the Council since 2010 is estimated in two steps. Because there is a lack of empirical research on how these new rules work, the following suggestions are somewhat ambiguous. The starting point is the position of the rotating presidency whereby the current presidency has a weight of three, while the preceding and successive presidencies have a weight of one. From this compromise, the presidency trio looks for the closest member of the Council, second closest etc. until a qualified majority has been reached:

$$CouRotPres = \frac{(CurPres * 3 + SuccPres1 + SuccPres2)}{5} \quad (10)$$

$$CouPo = until\ qual.majority: \frac{CouRotPres + (Cport_{closest_1} + Cport_{closest_2} + \ldots + Cport_n)}{n} \quad (11)$$

Explanation: CouPo = Position of the Council of Ministers; CouRotPres = Position of rotating Presidency of Council of Ministers; CurPres = Current Presidency; $SuccPres_1$ and $SuccPres_2$ = Successive Presidencies; Cport = Portfolio minister of EU member states.

Table 1 shows the voting weights of the ministers of each country in the Council of Ministers from 1958 to 2012. It also shows the required quorum for a qualified majority and the threshold of a blocking minority.

Table 1: Voting weights in the Council of Ministers from 1958 to 2012

	01.01. 1958	01.01. 1973	01.01. 1981	01.01. 1986	01.01. 1995	01.05. 2004*	01.11. 2004*	01.01 2007*
Belgium	2	5	5	5	5	5	12	12
France	4	10	10	10	10	10	29	29
Germany	4	10	10	10	10	10	29	29
Italy	4	10	10	10	10	10	29	29
Luxembourg	1	2	2	2	2	2	4	4
Netherlands	2	5	5	5	5	5	13	13
Great Britain		10	10	10	10	10	29	29
Ireland		3	3	3	3	3	7	7
Denmark		3	3	3	3	3	7	7
Greece			5	5	5	5	12	12
Portugal				5	5	5	12	12
Spain				8	8	8	27	27
Austria					4	4	10	10
Finland					3	3	7	7
Sweden					4	4	10	10
Cyprus						2	4	4
Czech Republic						5	12	12
Estonia						3	4	4
Hungary						5	12	12
Latvia						3	4	4
Lithuania						3	7	7
Malta						2	3	3
Poland						3	27	27
Slovakia						3	7	7
Slovenia						3	4	4
Bulgaria								10
Romania								14
Total	17	58	63	76	87	124	321	345
Qualified majority	12	41	45	54	62	88	232	255
(as a % of the vote)	70.5	70.6	71.4		71.0	70.9	72.2	73.9
Blocking minority	6	18	19	23	26	37	90	91
(as a % of the vote)	33.3	31.0	30.1	30.2	29.8	29.8	28.0	26.4

Explanations: * Under the Treaty of Nice a triple majority is required: (1) a qualified majority, (2) a majority of states, and (3) 62 per cent of the population of the member states. Additionally, a blocking minority needs the support of four states.

Source: Authors.

The position of each country is determined by its government decision-making rule,[16] that is, for the Council of Ministers the position of each minister either refers to the programmatic position of the minister (minister model), a negotiated position of governments with a strong prime minister (prime minister model),[17] or the weighted average of the coalition parties (collective government model). As with the Commission, the Council of Ministers is also an agent of the European Council. Similar to the position of the Commission, we use the unweighted mean position between the European Council and the Council of Ministers:

$$CouPo = (CouPo + ECouPo)/2 \quad (12)$$

Figure 3 shows the empirical results for the left-right dimension.[18] Right positions dominate and mirror the trends observed in the European Council. The early to mid-1970s saw a left move as social democratic parties led several governments (for example in Germany, Belgium, Denmark, and the Netherlands), or at least participated in coalitions (Ireland, Italy). However, by the late 1970s, left positions became the exception rather than a rule. In the second half of 1983, under the Greek presidency of Akritidis and Lazaris (PASOK) succeeded by the French government, a coalition of social democrats and communists brought Left positions to the forefront for the last time during our period of analysis. 1986 to 1988 witnessed four conservative governments in a row: the UK under Mrs. Thatcher, a Belgian four-party coalition under Christian democratic leadership, and the Danish and German conservative-liberal coalitions, moving the Council of Ministers to the most Right-wing position it has held thus far.

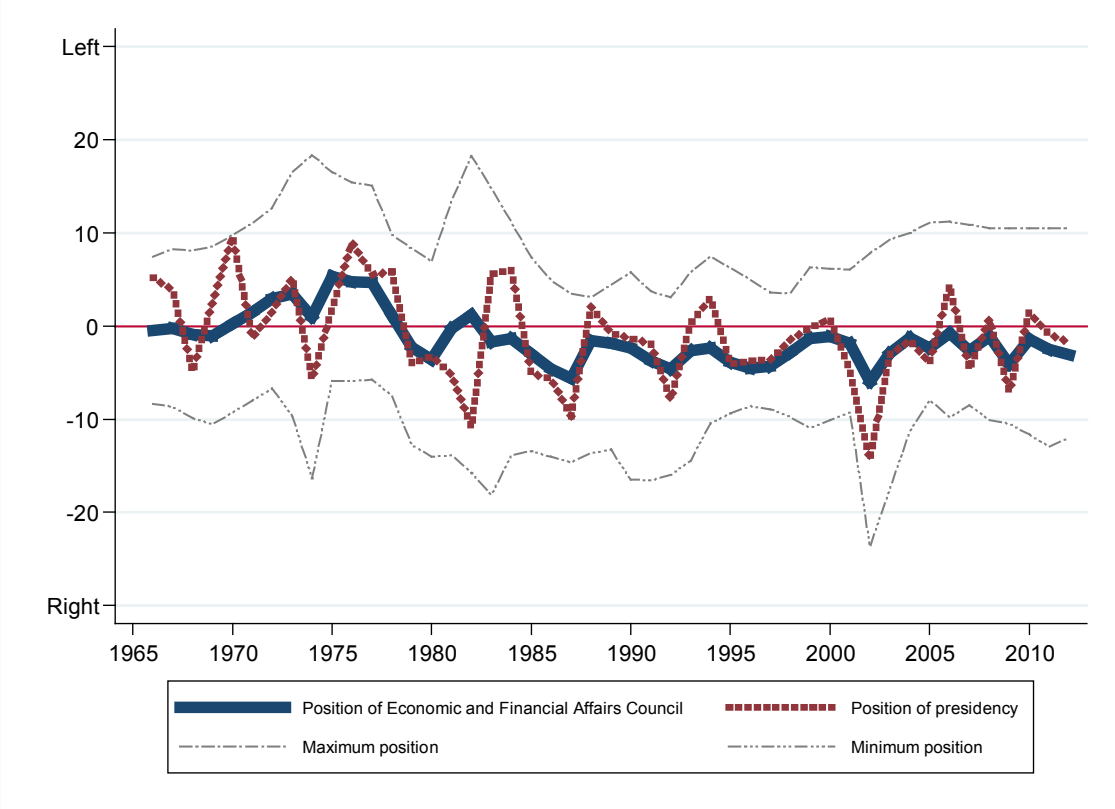
The reverse is true for the late 1990s: The UK under Tony Blair, a social democratic Austrian coalition and Germany's "red-green coalition" under Chancellor Gerhard Schröder moderated the Council's position. However, the Danish presidency from 2002 marked a turning point towards the right once again. In sum, for most of the time the Council of Ministers held Right-wing positions. As is the case in the European Council, the rotating presidency sometimes leads to sharp contrasts. The need for compromise under QMV, however, usually moderates the position.

16 Relying on data on the strength of prime ministers (O'Malley 2007; Strøm et al. 2003) and ministerial autonomy (Bertelsmann Stiftung 2009) a hierarchical cluster analysis using Ward's method has been conducted in order to identify decision-making rules of governments (for a detailed description and analysis see Jahn 2016). The cluster analysis collects all Westminster democracies as well as Spain, Denmark, Portugal and France in one cluster; this is a group of countries with strong PMs. The second cluster is made up of Austria, Finland, Norway, the Netherlands, Sweden and Belgium, all of which are countries with a strong tradition in collective cabinet decision-making. The last cluster includes Germany, Italy and Greece, where ministers have substantial autonomy over their portfolio. In the absence of reliable data for the new member states government positions have been estimated as the weighted mean (collective decision-making). For Cyprus the position reflects the position of the president, who has almost exclusive power (Ker-Lindsay 2009).

17 A strong prime minister negotiates a position with each coalition partner (that is mean weighted by seats) individually; the final position is the simple mean of all negotiations.

18 For the Council of Economic and Financial Affairs, we use the Minister of Finance if there is no Minister for Economic Affairs. If neither of them exists in a given country, we use the minister for Industry/Trade, or ultimately the government position. See Appendix C for alternative models.

Figure 3: Positions of the Council of Economic and Financial Affairs in the Left-Right Dimension, 1966-2012



Source: Authors.

In sum, right positions dominate although not as clearly as in the European Council. Meanwhile, bi-annual changes in the presidency have led to frequent and fundamental changes in positions.

3.4 The European Parliament (EP)

The status of the EP in the political system of the EU is more like the US Congress than any domestic parliament in Europe. The EP is not required to support a government nor is there an EU-government to enforce its wishes on a supporting majority in the EP. That makes the EP relatively independent. Like the US Congress, the EP is needed to pass legislation. However, the formal status of the EP is much weaker than that of the US Congress, although its impact on the legislative process has increased over time (see below).

Since 1979, members of the European Parliament (MEPs) are elected in EU-wide elections every five years. The MEPs form party groups, joining forces with national parties. The work of the MEPs becomes more difficult to coordinate than in the US Congress due to the larger number of party groups in the EP and the fact that loyalties of the MEPs are spread over many domestic parties, thus making a coherent strategy in the EP difficult. Although in general voting behavior has become more cohesive over time, most studies

stress the fact that MEPs – trapped between two principles – are more likely to adhere to their national parties, when forced to make "hard decisions" (Bowler/Farrell 1993; Norris/Franklin 1997; Hix 2002; Faas 2003).[19] One major reason for this is that the national party leadership is responsible for the re-election of an MEP, rather than his or her party group in the EP. A study comparing the policy positions of national parties and party groups in the EP, shows that the position on basic policy dimensions such as left-right are rather similar in the national parties and the respective party groups in the EU. The study concludes that "[…] party and policy competition in the EP is an extension of national politics by other means" (McElroy/Benoit 2010: 396).

The EP votes according to absolute majority rule. That makes the modeling of the ideological position of the EP (EPPo) rather simple:

$$EPPo = Median(MEP) \tag{13}$$

Explanations: EPPo = Position of European Parliament; MEP = policy position of the Member of European Parliament.

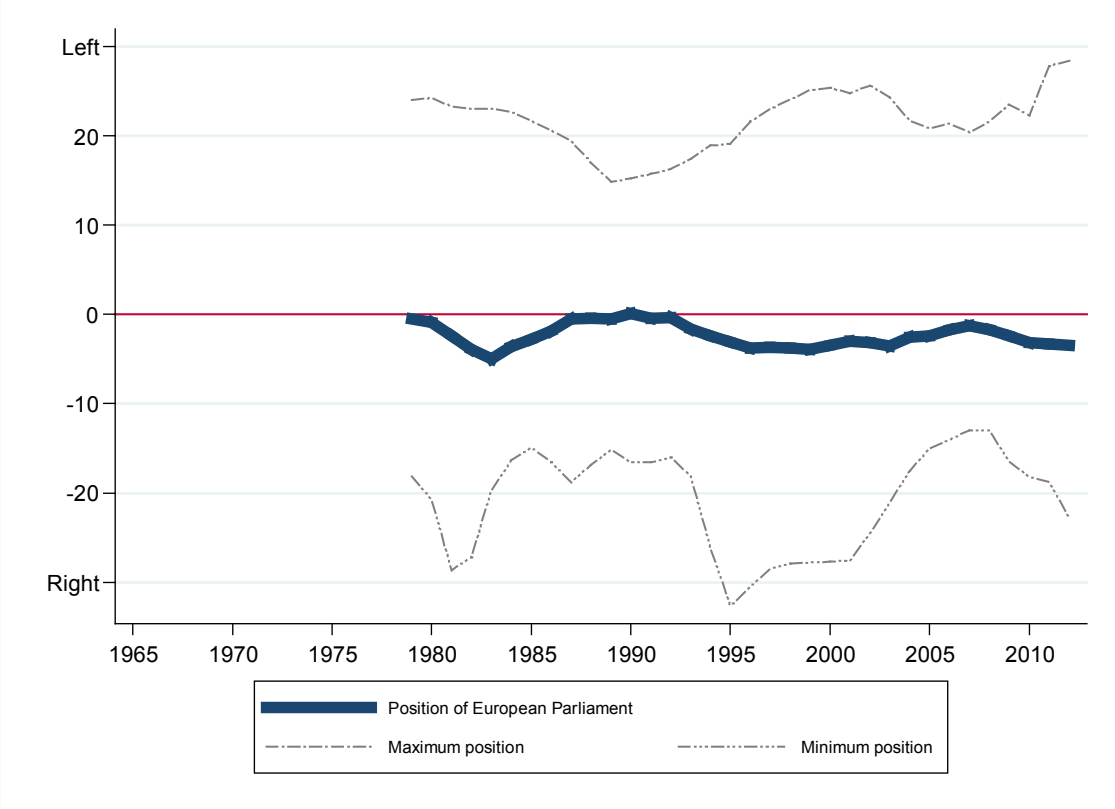
The ideological position of the EP is the position of the median MEP within an ideological dimension. The function of the EP and the policy incentives of the MEPs make it unlikely that the MEPs negotiate their positions. Therefore, we prefer the formal position (median) over a negotiated position (mean).[20]

In terms of the left-right dimension, the European Parliament has clearly been an advocate of right-wing positions (Figure 4). They were particularly strong during the early 1980s and after the mid-1990s. Only after 2004 did right-wing positions become a bit more moderate. There was a short episode of slightly leftist positions between 1987 and 1992.

19 Or as Faas (2003: 859) puts it: "the more centralized the candidate selection process is, the more likely affected MEPs are to defect; the less supportive party supporters are, the more likely affected MEPs are to defect; the more the national party engages in monitoring its MEPs, the more likely affected MEPs are to defect; the more party-centered an electoral system is, the more likely affected MEPs are to defect; and if a party is part of the national government, the affected MEPs are again more likely to defect".

20 Nevertheless, in Appendix D both modellings are compared.

Figure 4: Positions of the European Parliament in the Left-Right Dimension, 1978-2012



Source: Authors.

After having identified the position of the European Council, the Commission, the Council of Ministers and the European Parliament, we turn now to the question of determining the position of the EU.

4. The Legislative Process in the European Union

The legislative process is officially made up by the Commission, the Council of Ministers and the European Parliament. Because the European Council is not involved in the legislative process in this section, we refer to the Council of Ministers as the Council. However, the legislative process of the EU is difficult to model for macro-comparative analyses. It is not enough to know the preferences and rules of the European institutions. Even with knowledge of the rules challenges remain because these have changed over time and decision-making processes are not highly institutionalized and stable. In addition, different rules apply for various issues and policy fields. What is particularly difficult is trying to estimate the impact of the interplay between and within the various committees designed by the Council and composed of national government officials (Vos 1997; Hage 2007). This system of committees has been called “comitology” and was established by a Council decision in July 1987, at the same time as the Single European Act entered into

force.[21] By 2000 there were already more than 200 committees. There are various procedures (advisory, management, regulatory, safeguard, Council itself) that determine how these committees work and how much discretion is given to the Commission.

Comitology has been criticized for being opaque, largely due to the secretive nature of the committee proceedings. Hix and Høyland (2011: 37) summarize the effects of comitology:

> *Under some procedures of the comitology system there is a separation of powers, whereby the legislators (the governments) can scrutinize the executive (the Commission). Under other procedures, however, comitology has created a fusion of powers, whereby the member governments can in some respects enforce their wishes on the Commission, and so exercise both legislative and executive authority.*

The committees and the Commission cooperate in their work and the Council invites Commissioners before the Commission drafts proposals. This close cooperation between committees and the Commission results in a situation where "[…] the Commission can probably predict exactly how each committee will react to each draft implementing measure, and therefore drafts each measure accordingly" (Hix 2005: 57). This anticipatory behavior to formulate rejection-proof legislations leads to a situation where most proposals initiated by the Commission are adopted by the Council – an unusually high proportion for legislative politics (König 2007: 427).[22] While the EP has recently begun to involve itself – especially after 1999, when the number of procedures was reduced and again in 2006, when the new "regulatory procedure with scrutiny" gave the EP a right to veto a decision – its impact vis-à-vis the Commission and the Council is still limited. In addition, first empirical assessments show that, while the EP succeeded on paper, it (still) underperforms when it comes to practical implementation (Christiansen/Dobbels 2012).[23]

It is not surprising that the complex legislative decision-making of the EU leads to considerable disagreement among scholars on how to interpret it. There are spate articles even today which ask "Who has the power in the EU?" (Thomson/Hosli 2006; Barr/Passarelli 2009). When modeling the position of the EU and analyzing its legislative process, we have relied mainly on formal models (Tsebelis/Garrett 2000; Thomson/Hosli 2006; Hix/Høyland 2011). However, these models are not directly suitable for general analyses for several reasons: Firstly, they are often interested in European integration and assume certain positions of the institutions (that the Commission and EP is more integrationist than the Council) which are contested by others (Hooghe 2001; Warntjen et al. 2008; Hix/Høyland 2011). Secondly, the models are strongly dependent on estimations of the status quo (Garrett 1995: 296). The status quo is usually assumed to be

21 It was reformed in June 1999, shortly after the Amsterdam Treaty entered into effect.

22 König (2007) concludes for the period from 1984-1999 that 76 percent of proposals are adopted by the Council. However, because he applies an event data analysis, it is not clear whether the pending proposals are counted as 'not adopted'. Hix (2005: 56) reports that from the 4,357 proposed measures of the Commission in 2000, only four unfavorable opinions were expressed by the committees of national experts and only six referrals were made to the Council.

23 Döring (2007: 210) states that too much attention has been given to the legislative role of the EP. One reason for this is that Tsebelis (1994) published a widely read article in which he modeled a situation in which the EP may have conditional agenda-setting power. This interpretation is contested among other scholars of EU policy. Furthermore, the condition under which the EP might have conditional agenda-setting power is rare and should therefore not be of major interest to this study.

non-integrationist, an assumption which may be feasible but has never been tested empirically. In other policy fields besides European integration, it is not possible to assume a status quo on a certain position. Therefore, we need a model of decision-making which is independent from an assumed status quo. Thirdly, models of decision-making in the EU often only consider formal aspects and ignore informal processes. The process of comitology has been ignored by these models.[24] They thereby overestimate the role of the Commission and grant it the role of sole agenda-setter.

In order to analyze the position of the EU from 1966 to 2012, we take the changes following the Single European Act (SEA; entered into force on 1 July 1987), the Treaty on European Union (Maastricht Treaty; 1 November 1993), the Treaty of Amsterdam (1 May 1999), and the Treaty of Lisbon (1 December 2009) into account.

(a) The Legislative Process under the Luxembourg Compromise: Before the SEA in 1987, the legislative decision-making in the EU happened according to the "Luxembourg Compromise", which had been introduced in 1966 as a method to solve the deadlock between France and the other members. It was an informal agreement stating that, when a decision was subject to qualified majority voting, the commission would postpone a decision if any member state felt that important national interests were under threat. Because most decisions affected the national interests of the member states, this had the effect that unanimity was needed most of the time.

The legislative procedure began with the Commission initiating a proposal after general drafts had been discussed and consultation with state governments had been conducted. Afterwards the Council was consulted and the EP gave its opinion. Therefore, the Council had already influenced the proposal at a stage where a final legislation had not yet been drafted. The EP had no formal power in the consultation procedure. Legislation was only sent to the EP for consultation and the EP could not change or veto any initiative. Eventually, the Council would decide by unanimity or QMV to accept or reject the proposal. Amendments had to be made by unanimity. Since the Council was involved in drafting the Commission's proposal and later decided on it, it is fair to say that the Council's position could be taken as the position of the EU (EUPO) until 30 June 1987. [25]

$$EUPo_{Consultation} = CouPo \tag{14}$$

24 In his evaluation of various decision-making models, Achen (2006a; 2006b) points out that models relying simply on formal rules perform worse than models which take informal procedures into account: "The lesson is that procedural models need theoretical extension. They need to take into account not just the formal rules, but also the informal processes that make up so much of what politicians do" (Achen 2006a: 298). The challenge here is, however, how to capture informal processes in a formal model and how to weigh these with respect to formal rules. We include informal processes with respect to comitology and with respect to the role of the member state holding the presidency (see above).

25 This conclusion is confirmed by the results of formal models and expert judgments. Concerning the former, Tsebelis and Garrett (2000: 12-13) state: "Effective decision-making power thus rested with the member government that had the least desire to change the status quo." With respect to a simulation with data on the power of the Commission, Council and EP, Thomas and Hosli (2006: 412) conclude: "For issues subject to consultation with the EP and unanimous voting in the Council of Ministers, the best-fitting power scores are those that attribute all power to the Council and none to the Commission and EP."

(b) The Legislative Process under the Single European Act (SEA): The legislative decision under the SEA between 1987 and 1993 was called cooperation procedure. Through the SEA the Commission was granted a stronger influence. The decision-making process occured as follows: The Commission made a proposal; the European Parliament issued its opinion in a first reading; after obtaining the EP's opinion, the Council adopted the proposal with a qualified majority – known as the Common Position; if the Council wanted to amend the proposal, it needed an unanimous vote, meaning that it was easier to accept or reject a proposal than to amend it; the Common Position was then sent to a second reading to the EP; if the EP approved the Common Position or had not come to a decision within three months, the Council could adopt it as a legislative act; the EP could then reject the proposal by absolute majority which the Council could overrule only through unanimity and within three months.

In order to model the above cooperation procedure, the positions of the legislative process need to be calculated in four steps: (a) the position of the Common Position, (b) the position after the second reading of the EP, (c) the revised Common Position by the Commission, and finally (d) the position of the cooperation procedure as a result of the revised Common Position and the position of the Council.

The Commission is not a sovereign agenda-setter but reaches its position through negotiation and consultation with the Council. Empirical studies (Thomson/Hosli 2006: 409) show that the Council has a power score around three times higher than that of the Commission. In other words, the proposal already reflects the position of the Council to a large degree. As a consequence, in this model the proposal of the Commission and the Common Position are identical in analytical terms.[26]

$$Common\ Position = (ComPo + 3 * CouPo)/4 \tag{15}$$

The Common Position is then sent to the EP for a second reading, which decides with an absolute majority, that is the median parliamentarian is decisive. Normally proposals are accepted or amended. In most cases they are amended (4,500 from 1987 to 1993 (Tsebelis/Garrett 2000: 19)), which for our analysis means:

$$Second\ Reading = (Common\ Position + EP_{Median})/2 \tag{16}$$

The Commission can accept or reject the amendments of the EP and thus influences the position of the legislature for a second time. We assume that, if the position of the EP brings the Common Position closer to the position of the Commission, it accepts the amendments. If this is not the case, then it rejects the amendments of the EP and maintains the position of the original Common Position. The modified Common Position 2 thus grants the Commission large discretion. Formally, we can summarize this step in the legislative process as follows:

$$\begin{aligned} Common\ Position\ 2 = {} & Second\ Reading, if\ closer\ than\ Common\ Position; \\ & Common\ Position, if\ Second\ Reading\ further \\ & away\ than\ Common\ Position \end{aligned} \tag{17}$$

26 See Appendix E for alternative weightings of the Common Position.

This decision of the Commission can be adopted by the Council through QMV (or in some cases unanimity). However, the Council can only amend it by unanimity. The amended Common Position must be formulated in such a way that the Council will still accept it. In other words, the Council once again influences the result, which in turn is anticipated by the Commission. We model this adjustment by weighting the amended Common Position with regard to the position of the Council:

$$EUPo_{Cooperation} = (Common\ Position\ 2 + CouPo)/2 \quad (18)$$

Under this cooperation procedure, the power of the Commission increased because it could influence the proposal and outcome twice: for the first time by formulating the original proposal (together with the Council in the comitology process) and a second time, concerning the acceptance of the amendments of the EP. The EP also received conditional agenda setting power depending how it placed its amendments (Tsebelis 1994; Tsebelis et al. 2001). If the Commission and the EP worked together (the Commission accepts the amendments of the EP), then they were strong actors in the legislative process of the EU, even if ultimately most of the power still lay in the hands of the Council.

(c) The Legislative Process under the Co-Decision I Procedure: From 1 November 1993 until 30 April 1999, the legislative procedure was mainly decided in a co-decision procedure. The co-decision model introduced by the Maastricht Treaty has been called co-decision I procedure; it was later revised by the Amsterdam Treaty (known as co-decision II). The intention was to better integrate the EP in the decision-making process through allowing the Council and EP to co-decide over the proposals of the Commission (Jensen 2011). There were two major institutional differences between the cooperation procedure and co-decision I. Firstly, the Council could not reject the EP amendments accepted by the Commission. Instead, a Conciliation Committee comprising all members of the Council and numerically equal representation from the EP had to discuss the amendments and agree on a joint text. Secondly, if the Conciliation Committee could not agree on a joint text, the Council could reaffirm its prior Common Position. The Council proposal became law unless an absolute majority of the MEPs vetoed it.

This means that the first steps in co-decision I are similar to those under the cooperation procedure. After that, the Conciliation process starts. This process gives the Council considerable power because it can choose which version of the proposal it wants to accept. It can approve all or part of the amendments of the EP, or it can reject them and decide for the Common Position. This turns "[…] the Council into an unconstrained agenda setter under co-decision I because it could essentially propose to the Parliament any variation of its common position that it wanted" (Tsebelis/Garrett 2000: 23). Therefore, our model for the co-decision I procedure is as follows:

$$EUPo_{Codecision\ I} = Common\ Position \quad (19)$$

The Common Position might be the most likely outcome under co-decision I because it is closest to the position of the Council, given that the Commission still has the right to initiate proposals.[27] The EP has little

27 However, to recall, this proposal is the Common Proposal from the Commission and the Council where the Council dominates 100:33 as a result of comitology.

effect in the co-decision I procedure. If the Treaty of Maastricht "[…] intended to make the Parliament a co-equal legislator […], the procedure […] failed to achieve this objective" (Tsebelis/Garrett 2000: 23).

(d) The Legislative Process under the Co-Decision II Procedure: From 1 April 1999 until early 2003, the co-decision I procedure was modified in favor of the EP, as per the Treaty of Amsterdam from October 1997. The co-decision II procedure differed from its predecessor in that the last two steps in co-decision I were dropped (the Council's final proposal to the Parliament, and Parliament's decision whether to reject it). In other words, the Conciliation Committee became the final step in co-decision II. This had consequences for the outcome of the legislative process in the EU. Because the members of the Council and an equal number of MEPs now sat on the Conciliation Committee, the EU position under the co-decision II procedures lay between these two institutions. Without further information, the outcome could be halfway between the position of the Council's pivot and the EP median: "[…] the Council and EP will probably agree to split the difference between the Council's common position and the EP's ideal point […]" (Hix 2005: 105). The formal decision model is:

$$EUPo_{Codecision\ II} = (CouPo + EP_{Median})/2 \qquad (20)$$

Such a model does not take the position of the Commission into account. Even if the Commission participates in the initial proposal (formally 100 percent, informally through comitology, at around one third), the compromise between Council and EP, after rejecting the Common Position, excludes the Commission. In a simulation model based on expert judgments of the power of the Commission, Council and EP, the best estimates of balance of power under co-decision II is 15 to the Commission, 100 to the Council and 25 to the EP (Thomson/Hosli 2006: 413). This model takes into account the informal power of the Commission, which is excluded from models that analyze the formal legislative process.

(e) The Legislative Process after the Nice Treaty: The Treaty of Nice entered into effect on 1 February 2003. It has also had an effect on the relative power of the Council and EP. However, the Nice Treaty has not changed the operation of the legislative procedures, but has made it more difficult to adopt legislation in the Council under reformed weightings of votes. This has reduced the ability of the EP to propose amendments that are acceptable to the Council resulting in yet another increase in the power of the Council.

In summation, we agree with Tsebelis and Garrett (2001: 372-376) that the Commission lost power as the cooperation procedures were altered from co-decision I to co-decision II. However, while our models suggest that the Commission had no power before 1987, Tsebelis and Garrett (2001: 374) conclude that the Commission had "[…] considerable influence over the legislative outcomes […]". The difference is that we consider unanimous voting in the Council – which is by far the most common before 1987 – whereas Tsebelis and Garrett analyze exclusively QMV.[28] We do agree that under cooperation the Commission

28 As Crombey and Hix (2011) state: "[…]the Commission considered only policies that the most conservative member state preferred to the status quo, and proposed the policy it preferred most from amongst those policies. The Commission thus had limited 'agenda-setting power' before the SEA." According to Thomas and Hosli (2006: 410), the Council voting procedure makes a huge difference. As mentioned above, under unanimous voting the Council holds all power while the Commission and EP hold none. However, under qualified majority voting within the consultation procedure the best-fitting power scores are 30 for the Commission 15 for the EP and 100 for the Council.

has to share power with the EP. However, here the Commission has an impact on the initial proposal through comitology and through the amendments made by the EP. These might move the proposal closer to the Commission, before it is once again moved towards the position of the Council. The position of the Commission remains strong under co-decision I, as the most likely outcome is the common position with the Council. However, it loses most of its power in the co-decision II procedure, except its power to formulate the initial proposal in cooperation with the Council through the comitology process.

The impact of the EP on the legislative process is the reverse to that of the Commission. The EP had no impact under the consultation procedure. It increased its impact under the cooperation procedure in cases where its amendments were accepted by the Commission. Under co-decision I, it has again lost all impact because the final outcome is the Common Position between the Commission and Council. The EP has the highest impact under co-decision II. Here its position counts as much as the position of the Council.

The Council's power position also changed over the course of the various legislative rules. It was strongest under consultation with unanimity rule. It was probably weakest under the cooperation procedure when the Commission and EP had conditional agenda-setting power (Tsebelis 1994). It was strong again under the co-decision I procedure. Here the Common Position is most likely to pass and, according to our interpretation, the Council's impact is around 70 percent. The Council again lost impact in co-decision II according to which it has to share power with the EP (50 percent).

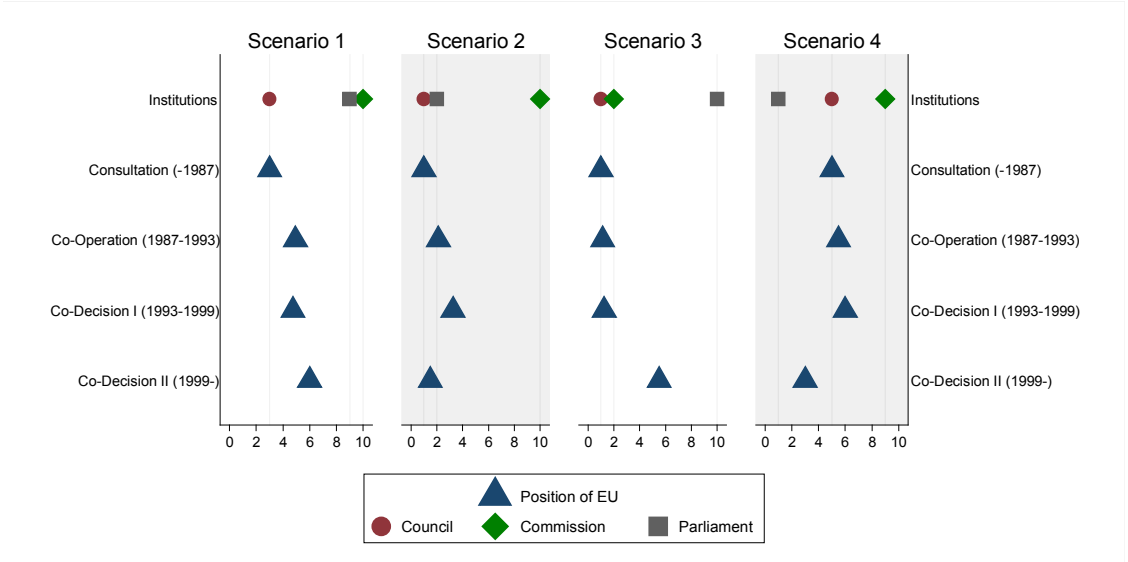
Some hypothetical scenarios illustrate the effect of our models. In scenario 1 let us assume that the Council's pivot is rather extreme to one side (3 on a scale from 0 to 10), and the Commission (10) and EP (9) are clearly on the other side. These are the typically assumed positions on European integration. The results for the final EU position are: 3.0 under consultation, 4.94 under cooperation, 4.75 under co-decision I and 6.0 under co-decision II. This is a result which is confirmed by most studies.

In scenario 2, the Council (1) works together with the EP (2) against the Commission (10). The final positions are 1.0 under consultation, 2.13 under cooperation, 3.25 under co-decision I and 1.5 under co-decision II. If we reverse the picture and assume the Council (1) and the Commission (2) stand in opposition to the EP (10), the final positions are 1.0 under consultation, 1.13 under cooperation, 1.25 under co-decision I and 5.5 under co-decision II. Finally, if we move the Council to the middle (5) and place the EP on one side (1) and the Commission on the other (9) (scenario 4), we see the relative impact of the EP and the Commission over time. In the first case the result is: 5.0 under consultation, 5.5 under cooperation, 6.0 under co-decision I and 3.0 under co-decision II.

Under consultation, the Council solely determines the position. Under cooperation, the Commission is able to move the result slightly to its ideal position, even if the Council and the EP agree more or less on their position, and especially if the EP and Commission stand in opposition to each other (scenario 4). This effect is much stronger under co-decision I. The power of the EP and the Commission correlate negatively. This means that the EP is weakest under co-decision I, which is confirmed by the literature. This has changed fundamentally under co-decision II, where the Commission has lost power to the EP. The Council has lost impact in each new decision-making procedure in our examples. However, until co-decision I the Council benefited more when working together with the Commission than with the EP. In contrast, under

co-decision II the Council is better advised to cooperate with the EP. Unsurprisingly, apart from consultation the EP and the Commission are stronger if they unite against the Council. Figure 5 visualizes the effect of the different decision-making rules of the EU.

Figure 5: Hypothetical EU Positions under different Decision-making Rules

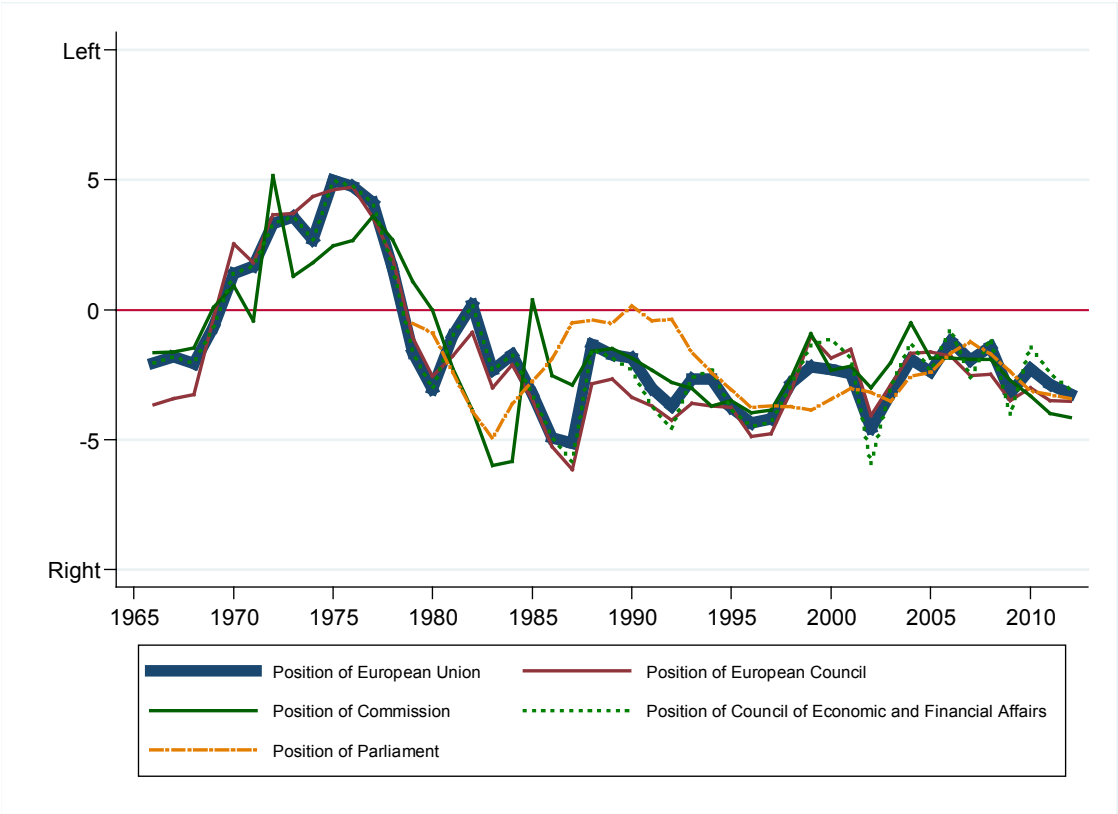


Source: Authors.

When we take the positions of the European Council, Commission, Council of Economic and Financial Affairs and the European Parliament together and apply them to the legislative procedures outlined above, this leads to the position of the EU in the left-right dimensions shown by the bold line in Figure 6.[29]

29 Appendix F assesses the impact of each modelling decision on the final position of the EU by comparing alternative specifications.

Figure 6: Left-Right Positions of the European Union and its Institutions 1966-2012



Source: Authors.

In the left-right dimension, the EU positions moved from the Left in the 1970s to the right from the 1980s until the end of the period of analysis. All institutions followed this trend and clear left positions could be witnessed for the last time in the mid-1970s. From the late 1970s to mid-1980s, of all European institutions the Commission often leaned most strongly to the right. Although the EP was more left-leaning from the mid-1980s to the mid-1990s, on average it is the most right leaning European institution. From the mid-1980s until the end of the 1990s, the European Council and the Council of economic ministers leaned to the right more than all other European institutions. In other periods both institutions took middle positions, but on average the European Council is more right-leaning than the Council of Ministers.

5. Conclusion

This study presents an analytical index to estimate the position of the EU in relevant policy dimensions and is therefore suitable for macro-comparative studies, which wish to assess the impact of the EU on domestic policies and outcomes. This index is therefore a basic building block for analyzing the transformative power of the EU.

The major task of this paper is to illustrate the construction and computation of this index. As an illustration we provide empirical data on EU positions in the left-right dimension from 1966 to 2012. The index and our data are thus suited for more sophisticated theory testing in macro-comparative analysis.

Macro-comparative analysis is not usually well equipped to analyze the potential impact of the EU on its member states. Most often scholars use a dummy variable to determine the EU's impact. This is deficient because a dummy variable for EU-membership is not able to determine the various ways in which the EU impacts upon its member states. Furthermore, dummy variables are proxies or numeric stand-ins for qualitative or more complex variables, which are difficult to measure. One can never be sure whether the dummy variable might not also cover other effects, which in turn have nothing to do with EU membership. It is therefore better to obtain a metric and time-variant variable. Estimating the position of the EU according to intra- and inter-institutional decision-making procedures is therefore an attempt to deliver such a variable.

By estimating *a single* EU position one may object that the EU is no unitary actor. As our analysis has shown, this assumption is certainly true. Many actors with various preferences are involved in European politics, who obey to decision-making rules that do not seem to follow a coherent underlying principle. Various actors involved in European decision-making have laid out decision-making rules and established a comprehensive system of informal interventions. However, at the end of the day the EU exercises an influence on its member states in various policy fields. Either one believes that this influence is anarchic, ambiguous and unpredictable, which implies that empirical analysis is almost impossible, or one believes that the complex interaction of various actors has a definable impact on member states. We start out from the latter assumption and claim that we can estimate a position of the EU. However, future studies will have to show whether the hypothesis that the EU has a predicable impact on its member states or even non-member states (which is actually assumed when using an EU-dummy variable) is correct.

The index developed in this paper can be used to address research questions, which so far have not been sufficiently addressed. For instance, using the EU position in relation to the positions of the governments of the EU member states leads to an annual and country-specific index of ideological misfit. One could claim that if the misfit is of substantial size then the EU pushes the policy of a member state more strongly towards its own position, than if the misfit were small. Such an analysis would be more specific and analytically superior than simply using a dummy variable, which cannot distinguish the specific impact of the EU on its member states.

The analysis of ideological misfit between the EU and its member states can also uncover intra-EU cleavages. Is it the case that, if there is a tension between big and small states the EU position tends to be closer to the big states (for instance France and Germany), or is the EU position really a compromise between all member states? Furthermore, such a misfit analysis could also reveal cleavages between Northern and Southern or old and new member states. Analyzing such ideological misfit would help to identify underlying conflict lines within the EU and may help to find compromise between conflicting partner countries inside the EU.

Another way of using our indices would be to estimate the veto function of the EU. Such an analysis could be conducted at the level of domestic politics, on the one hand, or within the EU, on the other. In the

former case one can add the EU as an additional veto player. Thus far, this has only been achieved in the institutional analysis of veto points. In this tradition (for example Schmidt 1996; Colomer 1996) possible veto points are counted (for example second chambers, federalism, central bank autonomy, referenda, difficulty of amending the constitution) and the EU is considered one point on the scale.[30] By using our index the EU can be analyzed as a veto player in a more sophisticated spatial analysis of veto players in the provenience of George Tsebelis (Jahn 2010). In the latter case one can calculate the ideological range between the individual EU institutions and, in doing so, estimate the likelihood of policy change in the EU (König/Pöter 2001). Such an analysis would be essential to estimate the reform capacity of the EU member states and to identify points of policy obstruction.

Analyses of ideological misfit are already underway (Jahn/Düpont 2015). Apart from using the left-right policy dimension, which clearly dominates the ideological space of Western democracies, our indices can also be applied to other ideological dimensions or issue positions as well (for an application to environmental politics see for example Jahn 2016). However, in this case the model would have to be adjusted. Analyzing other policy dimensions would not only require data on preferences (for instance on an environmental dimension or on European integration) but also on the adjustment of the institutional framework (for instance, that the Commissioner with the environmental portfolio or the Council of Environmental Ministers is considered).[31] However, because there is a substantial debate on measuring policy positions and decision rules (see for instance Benoit/Laver 2012; Slapin 2014; Leinaweaver/Thomson 2014), the do-files are organized so that researchers can use their own ideological variables (either positions on different policy dimensions and issues, or using alternative data from expert judgments, formal analysis, etc.) and make adjustments to the institutional framework of decision-making. Although we think that our approach is already convincing, these tools grant a lot of freedom to various research interests.

30 For a thorough discussion of the inferiority of veto *point* analysis to veto *player* analysis see Jahn 2010. Furthermore, it is problematic to use such a count variable in regression models because its coefficient is often inflated. Textbook knowledge tells us to separate such variables into several dummy variables, which in turn would introduce the problems already mentioned at the beginning of the paper.

31 Data with different operationalization, which are discussed in the appendix or which use the environmental policy dimension, can be downloaded from: http://comparativepolitics.uni-greifswald.de.

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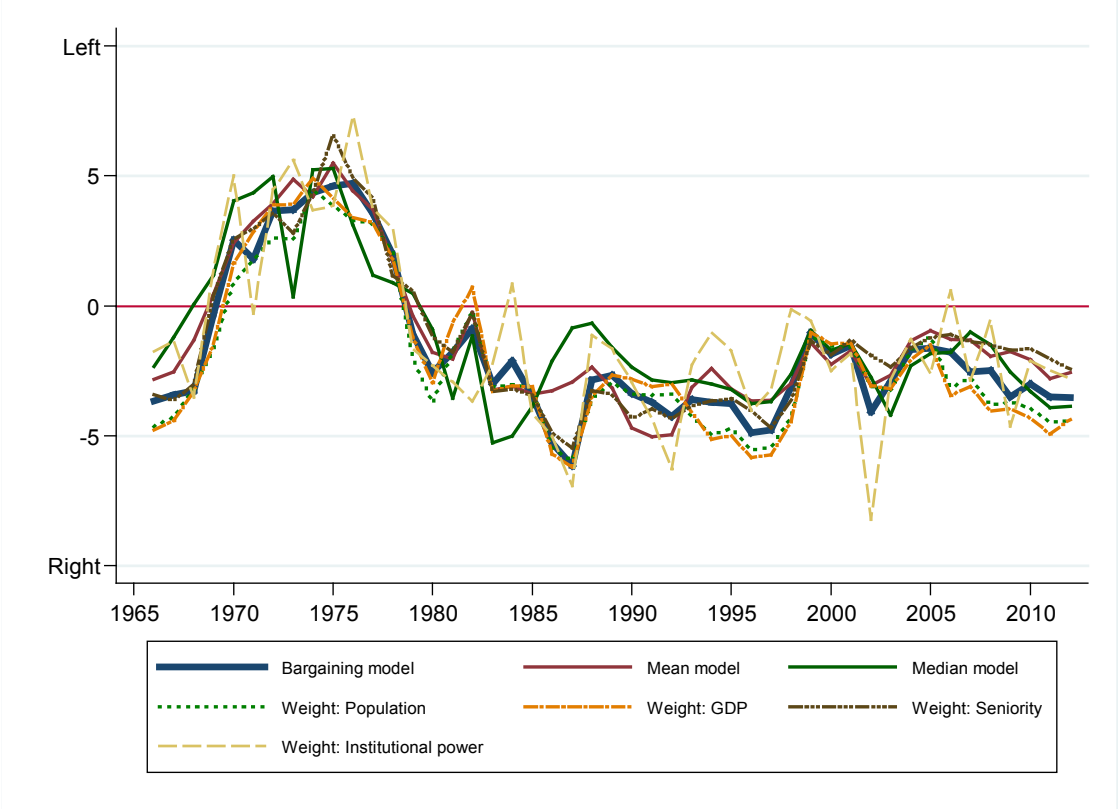
Appendix A: European Council

In order to check the robustness of our modelling on the final position of the European Council we report alternative measures. Figure A1 shows seven alternative positions to that of the European Council: the bargaining model reproduces the model outlined in the main text. The mean model represents Achen's (2006a) suggestion of an unweighted mean (of all prime ministers) in order to capture formal and informal decision-making in the absence of more detailed information (for an application see for example Warntjen et al. 2008), while the median model captures the position if the Council were to vote under absolute majority rule. The successive models show the final position if it were solely based on structural, institutional (presidency) or individual power (seniority).

Figure A1: Alternative Modellings of the European Council in the Left-Right Dimension



Source: Authors.

The bargaining model resembles structural power based on population and individual experience to a higher degree than the economic power of a country. In addition, the former two often counterbalance the power stemming from the presidency. This result is in line with Tallberg's (2008) finding that especially the small and medium-sized states favor access to the presidency, but are outweighed by the bigger states. The pairwise correlations support this view (Table A1): Both the bargaining model and the mean model correlate strongly (Pearson's r = 0.951), and both show the highest correlation with structural power based on population and seniority. If the mean model represents formal *and* informal decision-making, this makes

us confident that our bargaining model is able to capture these processes within the European Council. The mean model, however, would downplay the influence of small and medium-sized states by ignoring the agenda-setting power of the presidency. Because the European Council decides under unanimity or QMV, and each country can veto a decision, the median model is inappropriate, as it would represent the final position under absolute majority rule. In line with this, the median model has the lowest correlation with the bargaining model and a weak one with the mean model.

Table A1: Pairwise Correlation of the Alternative Models

	Bargaining model	Mean model	Median model	Weight: Population	Weight: *GDP*	*Weight: Seniority*	*Weight: Institutional power*
Bargaining model	1.000						
Mean model	0.951	1.000					
Median model	0.827	0.870	1.000				
Weight: Population	0.973	0.914	0.807	1.000			
Weight: GDP	0.964	0.902	0.809	0.991	1.000		
Weight: Seniority	0.963	0.961	0.838	0.935	0.922	1.000	
Weight: Institutional power	0.882	0.824	0.679	0.767	0.747	0.792	1.000

Source: Authors.

If population and seniority matter, the question follows which countries have strong bargaining power? Table A2 reports descriptive statistics for each weight.

In terms of structural power, the table comes as no surprise: Population and economic strength do correlate (Pearson's r = 0.964), meaning that the larger states are able to draw the final position closer to their standpoint. However, both factors only correlate weakly with seniority (Pearson's r = 0.203 and 0.311 respectively). In line with Tallberg's (2008: 690) notion that Italy is unable to translate its structural power into European influence because of its domestic political instability, we see that Italy scores very low on seniority, almost level with the Central and Eastern European countries. The latter, however, have only recently become members of the European Union. So – by the logic of weight – their prime ministers have not had the chance to gain long-standing individual experience. Seniority thus partly bears the notion of the amount of time that one has been a member, but it mostly indicates political stability of governments: With Mr. Werner, Mr. Thorn, Mr. Santer and Mr. Juncker Luxembourg, for example, has only been represented by four prime ministers since 1964 (hence the highest score on seniority), while in the same time period Italy has been represented by 19 different prime ministers. This shows that (smaller) states profit from political stability and gain influence by being a reliable partner. As has already been mentioned above, one head of

government in Tallberg's study (2008: 700) concludes: "Juncker probably weighs more than countries with 12 to 14 million inhabitants."

Table A2: Descriptive Statistics for Structural and Individual Power (on average since membership 2012)

	Population				GDP				Seniority			
Country	Mean	Min	Max	SD	Mean	Min	Max	SD	*Mean*	*Min*	*Max*	*SD*
Austria	1.93	1.68	2.14	0.21	2.37	2.20	2.70	0.13	0.39	0.18	0.75	0.18
Belgium	3.32	2.15	5.20	0.94	3.55	2.70	5.10	0.77	0.39	0.16	0.73	0.16
Bulgaria	1.50	1.47	1.54	0.03	0.29	0.25	0.31	0.02	0.34	0.25	0.42	0.07
Cyprus	0.16	0.15	0.17	0.01	0.13	0.12	0.14	0.01	0.38	0.25	0.49	0.09
Czech Republic	2.14	2.08	2.23	0.06	1.11	0.87	1.23	0.14	0.24	0.17	0.34	0.06
Denmark	1.55	1.11	1.97	0.30	2.18	1.83	2.83	0.29	0.44	0.18	0.74	0.17
Estonia	0.28	0.27	0.30	0.01	0.12	0.09	0.13	0.01	0.43	0.21	0.64	0.15
Finland	1.24	1.07	1.38	0.14	1.48	1.42	1.53	0.03	0.40	0.18	0.64	0.14
France	18.34	12.55	27.03	4.45	20.32	15.17	28.66	4.20	0.50	0.23	0.85	0.18
Germany	22.76	16.37	32.49	4.73	28.56	19.53	43.55	6.66	0.49	0.18	0.91	0.19
Greece	2.89	2.22	3.64	0.44	1.65	1.36	2.00	0.18	0.37	0.15	0.65	0.14
Hungary	2.08	1.99	2.21	0.09	0.79	0.75	0.84	0.03	0.27	0.18	0.40	0.07
Ireland	1.08	0.88	1.30	0.14	0.96	0.60	1.53	0.32	0.36	0.17	0.75	0.15
Italy	18.63	11.83	28.64	5.29	15.40	12.13	20.70	2.35	0.26	0.14	0.48	0.09
Latvia	0.45	0.41	0.50	0.03	0.15	0.11	0.18	0.03	0.27	0.16	0.43	0.10
Lithuania	0.66	0.60	0.74	0.05	0.22	0.17	0.26	0.03	0.35	0.18	0.48	0.10
Luxembourg	0.13	0.10	0.18	0.03	0.24	0.18	0.33	0.04	0.59	0.18	0.99	0.22
Malta	0.08	0.08	0.09	0.00	0.05	0.04	0.05	0.00	0.47	0.16	0.68	0.17
Netherlands	4.81	3.32	6.97	1.09	5.34	4.47	7.03	0.79	0.42	0.15	0.78	0.16
Poland	7.91	7.68	8.35	0.30	2.59	1.93	2.95	0.36	0.30	0.16	0.52	0.13
Portugal	2.64	2.11	3.12	0.35	1.34	1.03	1.50	0.13	0.42	0.17	0.70	0.15
Romania	4.12	4.02	4.29	0.10	1.03	1.00	1.12	0.04	0.31	0.15	0.45	0.12
Slovakia	1.11	1.08	1.17	0.04	0.50	0.43	0.55	0.05	0.37	0.20	0.62	0.15
Slovenia	0.42	0.41	0.44	0.01	0.28	0.26	0.30	0.02	0.30	0.18	0.45	0.10
Spain	10.58	9.10	11.97	0.98	7.69	6.55	8.90	0.70	0.52	0.18	0.84	0.17
Sweden	2.14	1.85	2.38	0.24	2.86	2.48	3.16	0.17	0.46	0.19	0.72	0.17
Great Britain	17.20	12.41	21.94	3.31	16.18	13.34	19.07	1.60	0.44	0.18	0.79	0.17
Total	7.30	0.08	32.49	8.26	7.30	0.04	43.55	9.04	0.42	0.14	0.99	0.18

Notes: Gray shaded values indicate the ten countries with the highest mean value on each weight. *Sources*: Population: EuroStat; GDP: World Bank; Seniority: own calculations.

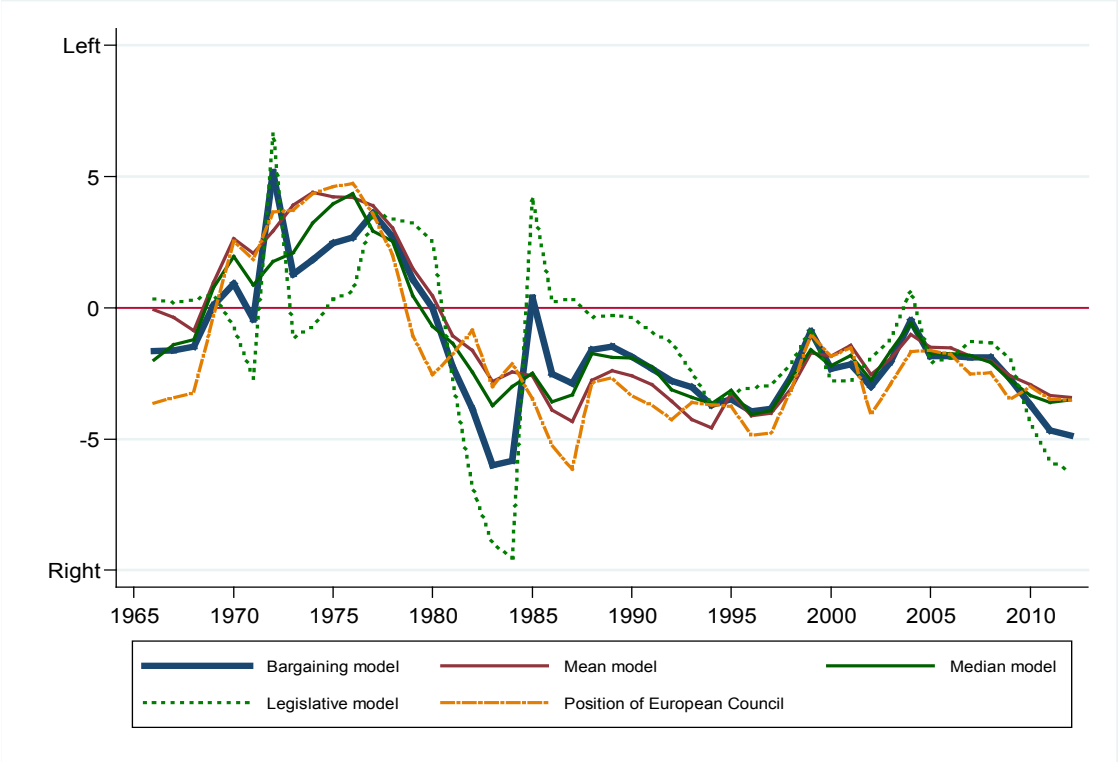
Source: Authors.

In sum, modeling the final position of the European Council as the simple mean or as based solely on structural power overestimates the impact of larger states and neglects institutional power stemming from the agenda-setting power of the presidency. In addition, by taking seniority into account we are able to capture both formal *and* informal decision-making within the European Council. While our bargaining model may not be completely free of ambiguity, it is line with evidence from qualitative studies.

Appendix B: European Commission

We assess the assumptions made in our decision-making model by comparing the bargaining model, as outlined in the main text, with the mean model, the median model, and the legislative model (Figure B1). The first three models are subject to the principal-agent relationship, whereas the legislative model shows the position of the European Commission if it were not an agent of the European Council (with that it conforms to most formal models in the field). It emerges that the Commission often takes more extreme positions, both to the left and to the right (legislative model), but is moderated or even counterbalanced by the European Council.

Figure B1: Alternative Modellings of the European Commission in the Left-Right Dimension



Source: Authors.

When considering the pairwise correlations (Table B1) our bargaining model and the legislative model correlate comparatively weakly (Pearson's r = 0.835). Unsurprisingly, all correlations of the legislative model with the principal-agent models are relatively low, indicating the substantial impact of this modelling decision.

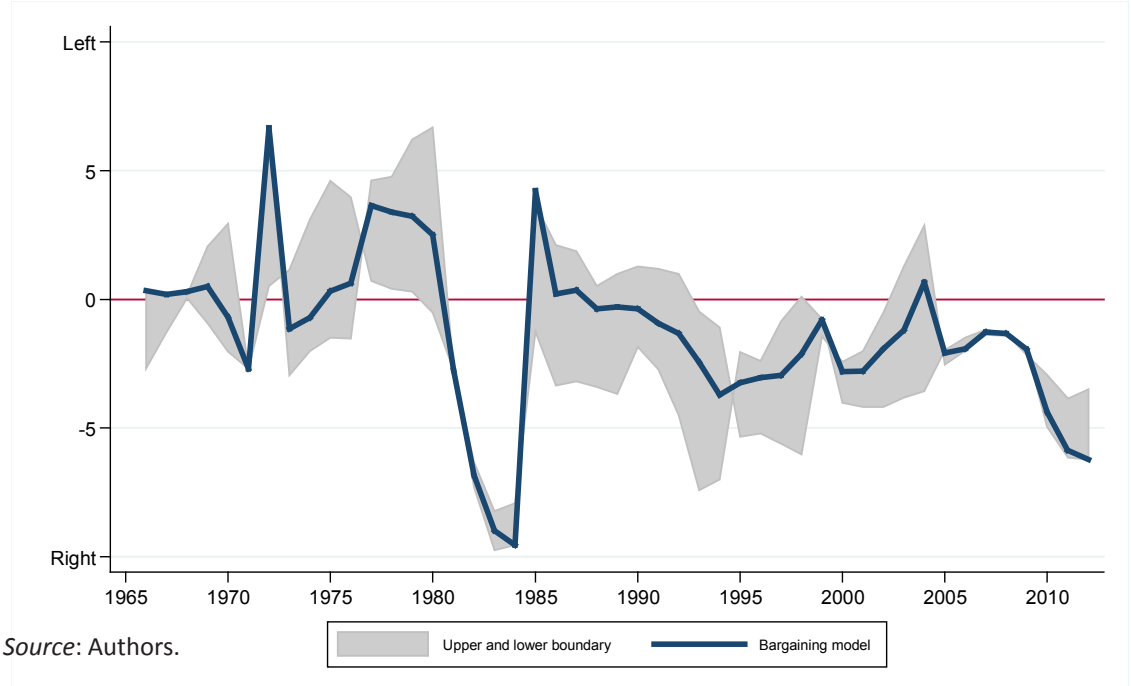
Table B1: Pairwise Correlation of the Alternative Models

	Bargaining model	Mean model	Median model	Legislative model
Bargaining model	1.000			
Mean model	0.859	1.000		
Median model	0.898	0.971	1.000	
Legislative model	0.835	0.489	0.547	1.000

Source: Authors.

The low correlations of the mean and median models show the consequences of modeling the commission as originating from the presidency and the commissioner responsible for the respective portfolio. In order to assess the influence of the decision to give equal weight to the president and the commissioner we report the position of the European Commission (*without* the principal-agent modelling) for three alternative models: Firstly the position, as detailed in the main text (equal weight), secondly, with almost all power given to the President (99:1) and thirdly with almost all power given to the Commissioner (1:99). From this 'compromise' a minimally connected winning coalition within the Commission is built. In the absence of information about the relative weight within the Commission, these measures represent 'quasi confidence intervalls', as all final positions lie within this range. Figure B2 thus sheds light on to the possible range of alternatives. Although there is considerable deviation, one should note, that the left-right scale ranges from -100 to +100. Against this background, the amplitude is much lower than one might suspect. Nevertheless, in Appendix F we show the impact of this decision by estimating the final position of the EU with both alternative weightings.

Figure B2: Position of Commission under Different Weights Given to the President and the Commissioner



Source: Authors.

In sum, the most fundamental impact on the final position of the European Commission derives from the principal-agent relationship, while the different models *within* the Commission differ to a lesser degree.

Appendix C: Council of Ministers

Depending on the subject, the Council of Ministers basically votes under the qualified majority voting rule or the unanimity rule. Figure C1 therefore reports the following alternative models: the Council as detailed in the main text, the mean model, the Council solely under unanimity voting rule and QMV, under QMV weighted by votes, and the legislative model (that is, if the Council were not the agent of the European Council).

The difference of QMV and QMV weighted by votes is the consensus orientation of the presidency: Under QMV the presidency looks for a minimal connected winning coalition by taking the voting weights into account. However, once the temporary coalition has been established the final position is the simple mean of the coalition. In contrast, QMV weighted by votes takes these votes into account even when estimating the final position. The rationale behind our modelling decision is that the Council is generally meant to decide by consensus. The presidency thus favors a strong minimal connected partner over a minimal connected partner with less voting power, because it seeks to have as few partners as possible to reduce the need for compromise; nevertheless it respects each partner, as s/he might simply defect from the temporary coalition. This in turn would increase the range, as the presidency must co-operate with partners further away from its ideal point.

Table C1: Pairwise Correlation of the Alternative Models

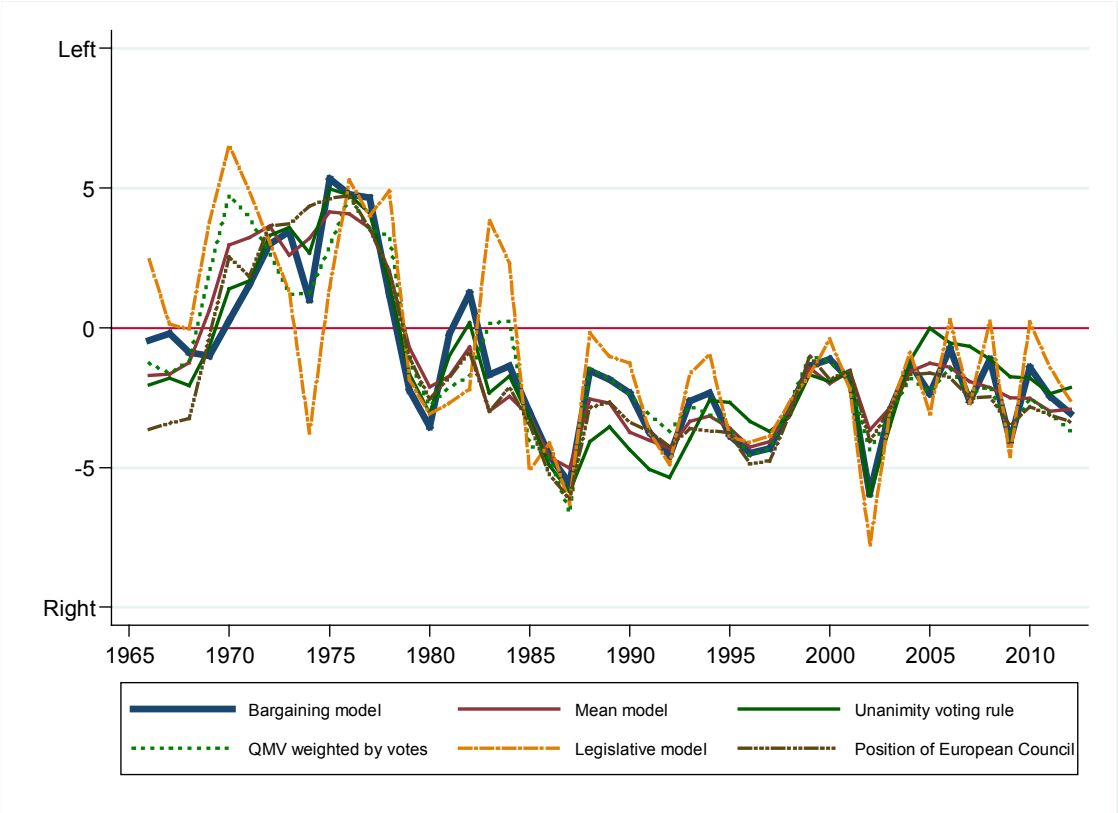
	Bargaining model	*Mean model*	*Unanimity*	*QMV weighted by votes*	*Legislative model*
Bargaining model	1.000				
Mean model	0.906	1.000			
Unanimity	0.922	0.946	1.000		
QMV weighted by votes	0.868	0.924	0.848	1.000	
Legislative model	0.752	0.703	0.669	0.881	1.000

Source: Authors.

Table C1 shows the pairwise correlations of the five models. To model unanimity as the mean between the two extreme points comes close to the mean model, that is, both strongly reflect the idea of an exhaustive consensus. The low correlation of our bargaining model and QMV weighted by votes results from the fact that the Council was modelled under unanimity until 1987 (hence the higher correlation with the sole unanimity model). When looking at the correlation for the period from 1988 to 2012 only (when QMV became the rule), modelling QMV as an unweighted mean (as in the bargaining model) or weighted by votes does not fundamentally alter the final position (Pearson's r = 0.907). The correlation of our bargaining model and the mean model (Pearson's r = 0.906) is again in robust agreement, which makes us confident that our

model captures both formal *and* informal decision-making. Unsurprisingly, the legislative model sticks out as exhibiting very low correlation across all other models. This is supported by Figure C1, which plots all models in the left-right dimension.

Figure C1: Alternative Modellings of the Council of Ministers in the Left-Right Dimension



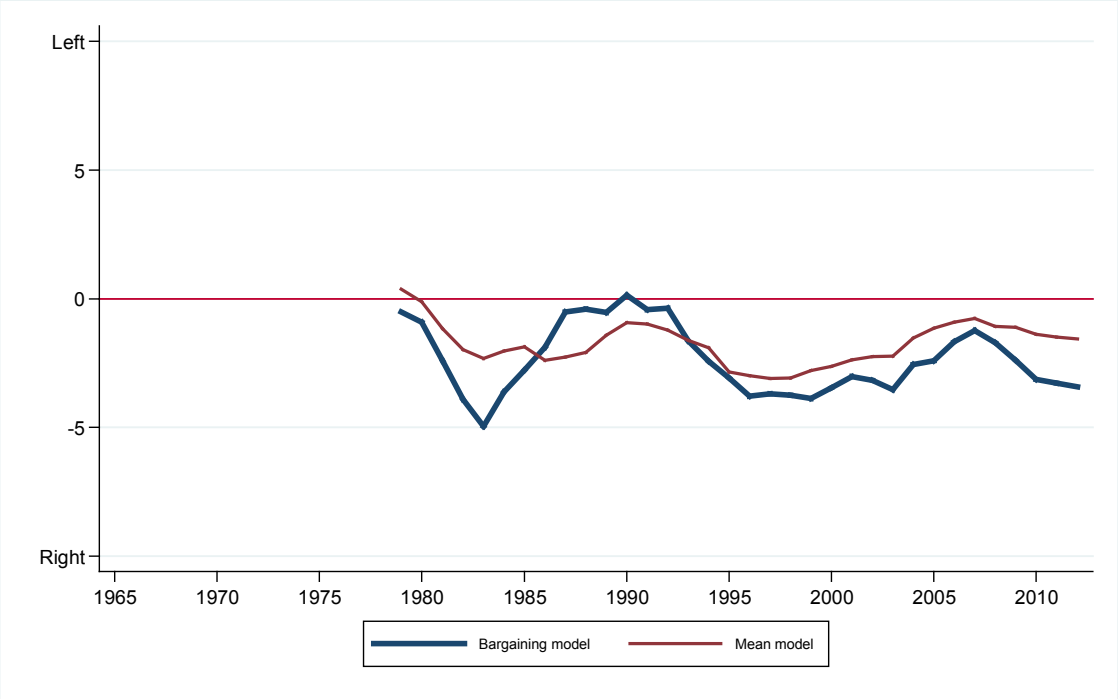
Source: Authors.

Similar to the Commission, the Council of Minister has often proposed more extreme positions, but has been moderated by the European Council. The range of positions, however, is rather low. Thus, in sum, the most fundamental impact on the final position of the Council of Ministers stems from the decision to model the Council as the agent of the European Council, which mirrors the robustness tests for the Commission in Appendix A. Unanimity seems to capture the consensus idea as well as the mean model, while the voting weights (although formally important) do not alter the final position to any substantial degree.

Appendix D: European Parliament

The European Parliament is not an agent of the European Council, so there is only one alternative model to discuss, namely the consensus oriented mean model. However, given the fact that the European Parliament decides under majority rule, this model seems less appropriate. Figure D 1 shows the mean model alongside the median model for both dimensions (the pairwise correlation of both models is quite low with Pearson's r = 0.639). Except for the period from the mid-1980s to the mid-1990s, the mean model is more moderate than the bargaining model, which uses the median as the pivotal position. This means that the mean model is less extreme in its right-wing positions than the bargaining model.

Figure D1: Alternative Modelling of the European Parliament in the Left-Right Dimension



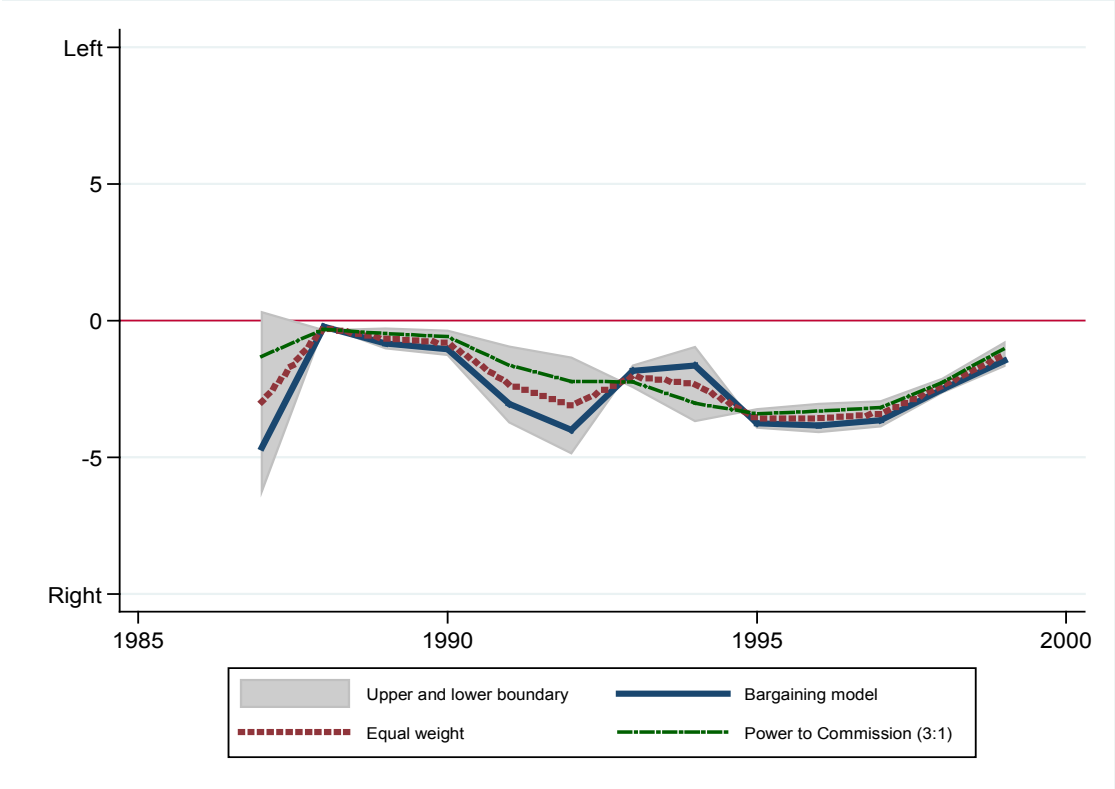
Source: Authors.

Looking at the robustness tests of the various models of intra-institutional decision-making, one can conclude that the major difference between them is whether one operationalizes the Commission and the Council as an agent of the European Council. From our point of view it makes sense to use a principal-agent model, but there might also be good reasons to ignore the European Council. However, depending upon which position the individual researcher takes on this issue, this may (substantially) alter the inferences drawn.

Appendix E: Common Position

Although empirical studies (Thomson/Hosli 2006: 409) show that the Council of Ministers has a power score around three times higher than that of the Commission under the cooperation procedure (1987-1993) and co-decision I (1993-1999), one could disagree with this conclusion. In order to show the impact of this decision, we estimate three alternatives (leaving the principal-agent model aside): The bargaining model, as described in the text, gives three times more power to the Council than to the Commission (Figure E1). The second model gives equal weight to both, while the third reverses the picture, that is, the Commission is three times more powerful. The last two models estimate power ratios of 99:1 and 1:99. As is explained in Appendix B, these represent 'quasi confidence intervals', and thus the possible range of values.

Figure E1: Common Position under Different Weightings



Source: Authors.

The pairwise correlations (Table E1) support the view that the Council of Ministers is indeed more powerful, because the correlations of the bargaining model and the equal weighting are much higher compared to the model in which the Commission has more power. In sum, the Council is usually able to draw the common position closer to its own ideal point. However, even under equal weighting the impact of this decision is marginal, particularly if one recalls that the left-right scale ranges from -100 to +100. Advocates who see the Commission as the most powerful European institution in determining the common position

may come to different conclusions, since correlation with the bargaining model, but also with the equal weight model, is substantially lower.

Table E1: Pairwise Correlations of Alternative Weightings

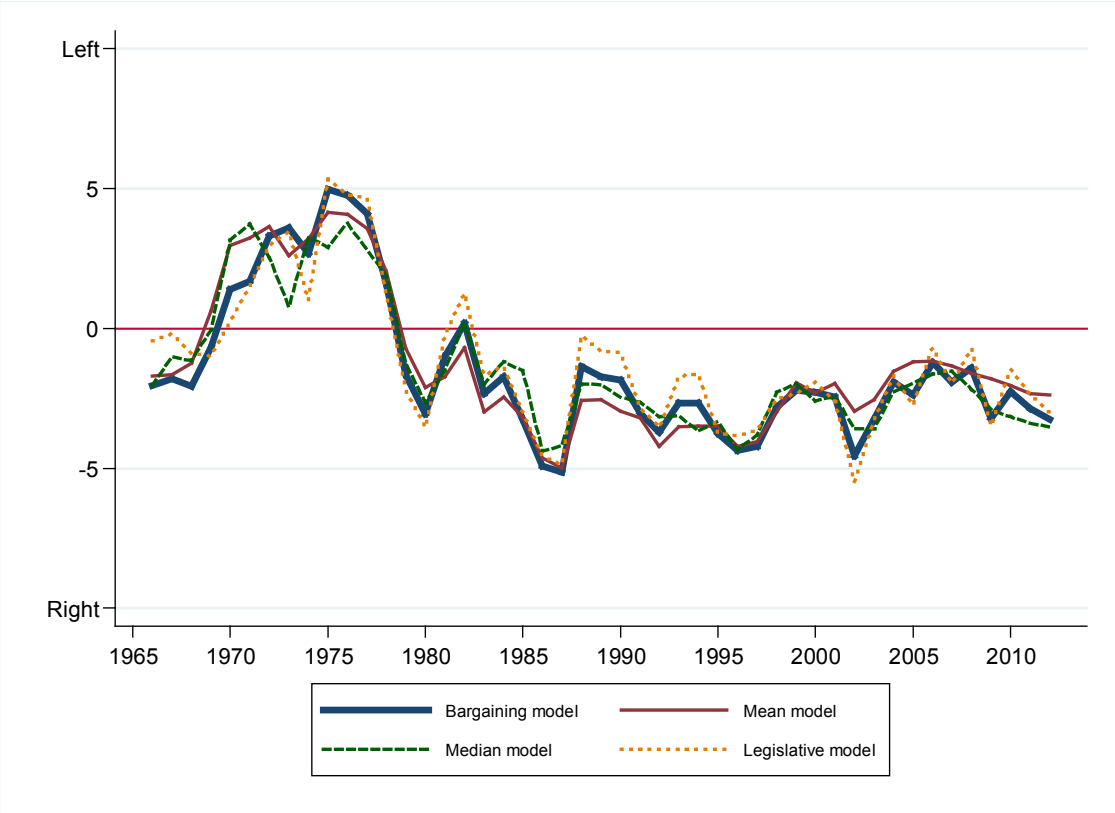
		Bargaining model	*Equal weight*	*Power to Commission*
	Bargaining model	1.000		
LR	Equal weight	0.925	1.000	
	Power to Commission	0.627	0.876	1.000

Source: Authors.

Appendix F: Final Position of the European Union

Each modelling decision influences the final outcome. Therefore, we assess their impact by comparing the bargaining model, as outlined throughout the main text, with the mean model, the median model, and the legislative model (Figure F1). Given formal decision rules, the former two seem inappropriate to be applied to every institution. Nevertheless, within the mean model, each institution's position is the unweighted mean, whereas the median model reflects each institution under majority voting rules. Finally, the legislative model reports the final position if the European Council was not to have any impact, and neither the Commission nor the Council of Ministers were agents of the head of states. In a second step we show the impact of the two most controversial weighting decisions on the final position (Figure F 2), namely the weighting between the president and the commissioner within the European Commission (see Appendix B for more details), and the weighting between the Commission and the Council of Ministers with respect to the common position (see Appendix E for further details).

Figure F1: Alternative Modellings of the Legislative Process in the EU in the Left-Right Dimension



Source: Authors.

As has been noted in the preceding appendices, the biggest impact stems from the decision to model the Commission and Council of Ministers as agents of the European Council. Especially in the 1980s the European Union would have been more left-leaning while later it would have been closer in line with all other models. In sum, while the EU would usually propose more extreme positions, it is moderated by the European Council. The figure also shows that the bargaining model, the median and the mean model are ultimately close in line. This is supported by the pairwise correlations (Table F1): All correlations are greater than 0.93. It then comes as a bit of a surprise to see that the legislative model closely resembles our bargaining model, when we take all European institutions, as well as all intra- and inter-institutional decision-makings, into account. The median model deviates most strongly from the bargaining model. The legislative model has the lowest correlation with the mean and median models.

Table F1: Pairwise Correlations of Alternative Modellings (Left-Right Dimension)

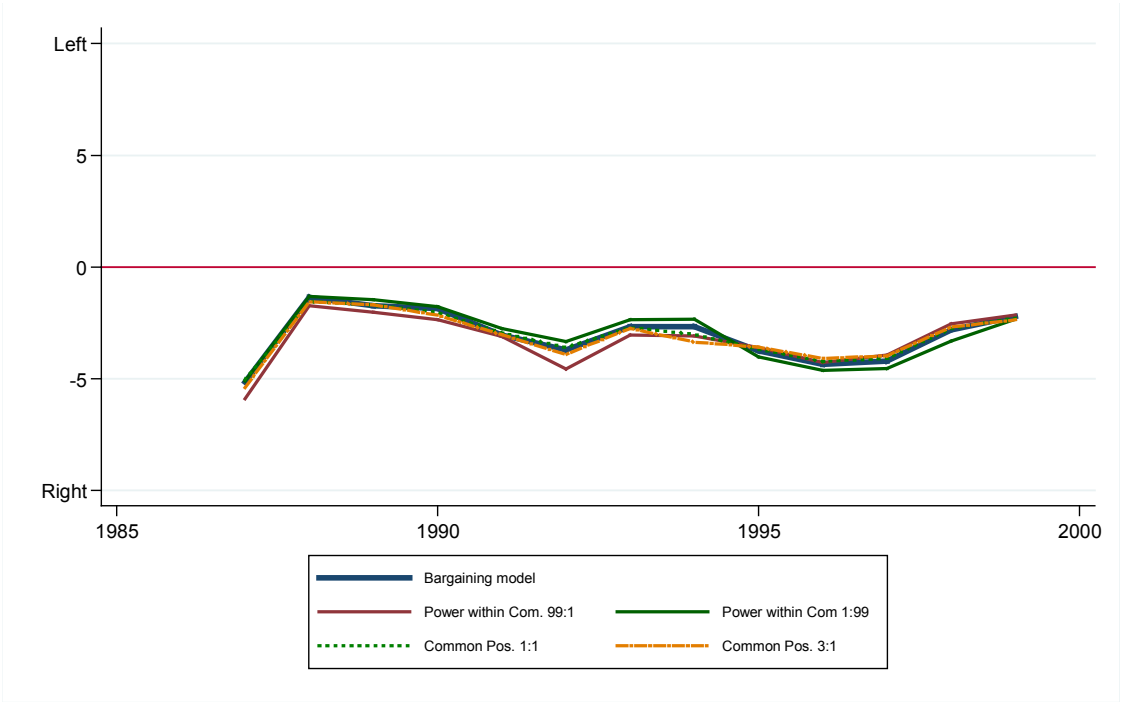
	Bargaining model	Mean model	Median model	Legislative model	Power within Com. 99:1	Power within Com. 1:99	Common Pos. 1:1	Common Pos. 3:1
Bargaining model	1.000							
Mean model	0.954	1.000						
Median model	0.936	0.954	1.000					
Legislative model	0.966	0.870	0.867	1.000				
Power within Com. 99:1	0.997	0.961	0.937	0.959	1.000			
Power within Com. 1:99	0.998	0.948	0.932	0.966	0.992	1.000		
Common Pos. 1:1	1.000	0.956	0.939	0.963	0.997	0.997	1.000	
Common Pos. 3:1	0.999	0.958	0.939	0.962	0.998	0.995	0.999	1.000

Source: Authors.

Table F1 already indicates that the two most controversial weighting decisions, which are relevant for the cooperation procedure (1987-1993) and co-decision I (1993-1999), have only a marginal impact on the overall results. When more power is granted neither to the president or the commissioner, nor to the Commission when compared to the Council of Ministers as they agree on the common position, this fundamentally alters our estimates (all correlations are > 0.99). Despite the considerable range of positions, which Appendix B and E have shown for the single decision when aggregating the final position – that is when many actors within the European Union have to find a compromise – one single position becomes less important. Against this background, both weighting decisions become marginal. However, we strongly favor the models, which are line with other (qualitative) studies.

All else being equal, Figure F2 plots the final position of the EU with these alternative weightings. Along with the bargaining model, the figure shows the final position where the president has more power than the commissioner within the Commission ('Power within Com 99:1'), and vice versa ('Power within Com 1:99'). The final models illustrate the final position in which the Council has equal weight as it negotiates the Common Position, or to the contrary, in which the Commission has three times the power of the Council of Ministers.

Figure F2: Final Positions with Alternative Weightings of the Commission and the Common Position



Source: Authors.

To sum up: Although some (weighting) decisions might seem controversial at first, their impact on the final estimate is marginal. In fact, if the mean model captures a consensus orientation, while the median model represents (stylized) majority voting rules, these results show that our bargaining model is able to capture both formal and informal decision rules in the European Union, and thus is the superior model when it comes to grasping empirical reality.

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